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The University Tutorial Series.

General Editor:
WILLIAM BRIGGS, LL.D., M.A., F.C.S., F.R.A.S.,
Principal of University Correspondence College.

THE INTERMEDIATE TEXT-BOOK OF ENGLISH HISTORY.

VOL. III.

University Correspondence College Press

John Bartholomew & Co., Edin.

GUIDE TO THE MAP OF EUROPE.

1. THE EMPIRE: nominal border shown by *red* line [Intro., §§ 6, 7]. During the seventeenth century it loses all political cohesion and many lands. *Notabilia:*—
   - i *Chief Territorial Losses:* by the *Peace of Westfalia*, **1648**, it acknowledges the severance of "**Switzerland**," the **Netherlands**, and the County of Burgundy, or **Franche-Comté** [below, *sub.* II., ii.].
   - ii. *Chief Internal Changes.* (*a*) *Electorates* (underlined): an *eighth* electorate is created for the Count Palatine, whose electorate had been transferred to the Duke of Bavaria in **1623** [p. 52 *n.*]; a *ninth* electorate for the Welf Duke of Brunswick-Lüneburg and Hannover in **1692** [ch. xiv., § 6].
     (*b*) *External Kingships* [the Archduke of Austria had been King of (part of) **Hungary**, as well as of **Bohemia**, since **1526**]: the King of Sweden is ceded **Pomerania**, **1648**; the Hohenzollern Elector of Brandenburg is, in **1701**, recognised as King in **Prussia** [which duchy he had acquired in **1611** and freed from Polish suzerainty by the *Treaty of Oliva*, **1660**]; and the Elector of Hannover becomes King of **Great Britain, 1714**.
2. II. FRANCE: outlined in *blue*, the territories acquired by her first three Bourbon kings, during the seventeenth century, being full coloured, *viz.*:—
   - i. *From Savoy:* **Bresse, Bugey, etc., 1601**.
   - ii. *From Spain:* **parts of Artois, Flanders,** and **Hainault** [at various times: Map, p. 254]; **Roussillon** [ceded by *Treaty of the Pyrenees*, **1659**]; **Franche-Comté** [ceded by the *Peace of Nymwegen*, **1678**].
   - iii. *From the Empire:* the "**Three Bishoprics**" of **Metz, Toul,** and **Verdun** [occupied by Henry II., **1552**: formally ceded, **1648**]; the Hapsburg lands in **Elsass** [ceded, **1648**]; **Strassburg** [seized **1681**—the other lands "reunited" to France about this time being disgorged at the *Peace of Ryswick*, **1697**]. The Duchy of **Lothringen** or **Lorraine** is almost continuously in French hands after 1670: nominally restored to its Duke by the *Peace of Utrecht*, 1713-5, it is not formally merged in France till **1766**.
3. III. THE BRITANNIC KINGDOMS: tinted *pink*. So too their chief allies in the War of the Spanish Succession are tinted *pink* [Bavaria, the sole non-Spanish ally of France, 1703—1714, being tinted *blue*: also Francophile Sweden].
4. IV. "AUSTRIA" [meaning the dominions of the Hapsburg Archduke of Austria (usually Roman Emperor) both within and without the Empire]: tinted *yellow*—the greater part of Hungary, which was in Turkish hands from **1552** till the *Peace of Carlowitz*, **1699**, being outlined only.
5. V. THE SPANISH DOMINIONS [for recent cessions to France see above *sub.* "II."]: tinted *green*. These are partitioned in consequence of the War of the Spanish Succession [ch. xiv., esp. §§ 1-4, 17-20]:—
   - i. Lands fully coloured remain to the Bourbon King of Spain, Philip V.
   - ii. Lands outlined in green go to (*a*) Austria, and to (*b*) the Duke of Savoy, who obtains a large slice of the **Milanese** [shown by black border] and **Sicily**, with the title of "King" [exchanged with Austria for Sardinia, **1718**].
6. VI. NEUTRAL STATES OF WESTERN EUROPE [*i.e.*, in the War of the Spanish Succession]: tinted *brown*.
7. VII. THE OTTOMAN EMPIRE, DENMARK, AND POLAND: tinted *slate-colour*.

NOTE.—The principal treaties dealing with the Period are summarised below, ch. v., § 14 *n.*; ch. viii., § 11; ch. ix., § 10; ch. xiii., § 7; ch. xiv., §§ 2, 3, 17-19. For further details consult Freeman's *Historical Geography of Europe*.

[*To face Title.*

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THE

INTERMEDIATE TEXT-BOOK

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BEING A LONGER HISTORY OF ENGLAND,

1603-1714.

BY

C. S. FEARENSIDE, M.A. Oxon.,

AUTHOR OF "THE TUTORIAL HISTORY OF ENGLAND,"
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In the Table of Contents, pp. v—xvi, the dates and events printed in dark type should be carefully memorized.

CHRONOLOGY.—Except in ch. xiv., and the Tables on pp. 253, 294-5, which deal mainly with Continental affairs, the dates are in the *Old Style*, which was current in England at this period, and was *ten* (after 1700, *eleven*) days behind the Gregorian Style, adopted by us in 1751. The year is treated as beginning on **January 1**, not as in contemporary documents on **March 25**.

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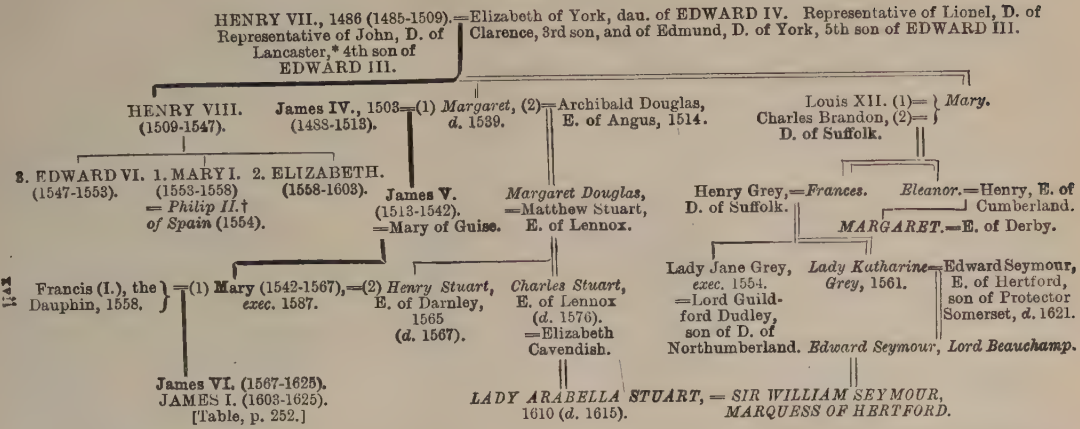
NOTE BY WAY OF PREFACE.—*The Author desires to refer to the Preface of the second volume for a statement of the scope and design of this work, and to express his general acknowledgements to the various authorities mentioned in foot-notes* passim, *and his particular indebtedness to his friends,* Mr. E. W. LEWIS *a former pupil, who has looked through the proofs, and* Mr. A. JOHNSON EVANS, *the writer of the greater part of the ensuing volume, who has furnished many suggestions at all stages of progress—from first sketch to last revise..*

BURLINGTON HOUSE,
February 27, 1895.

Possible Claimants to the Throne of England, 1603.


HENRY VII., 1486 (1485-1509). Representative of John, D. of Lancaster,* 4th son of EDWARD III.
=Elizabeth of York, dau. of EDWARD IV. Representative of Lionel, D. of Clarence, 3rd son, and of Edmund, D. of York, 5th son of EDWARD III.
HENRY VIII. (1509-1547).
James IV., 1503 (1488-1513).
=(1) Margaret, d. 1539.
(2)=Archibald Douglas, E. of Angus, 1514.
Louis XII. (1)= Charles Brandon, (2)= D. of Suffolk.
Mary.
3. EDWARD VI. (1547-1553).
1. MARY I. (1553-1558) = Philip II.† of Spain (1554).
2. ELIZABETH. (1558-1603).
James V. (1513-1542). =Mary of Guise.
Margaret Douglas, =Matthew Stuart, E. of Lennox.
Henry Grey, D. of Suffolk.
=Frances.
Eleanor.=Henry, E. of Cumberland.
MARGARET.=E. of Derby.
Francis (I.), the Dauphin, 1558.
=(1) Mary (1542-1567), exec. 1587.
=(2) Henry Stuart, E. of Darnley, 1565 (d. 1567).
Charles Stuart, E. of Lennox (d. 1576). =Elizabeth Cavendish.
Lady Jane Grey, exec. 1554. =Lord Guildford Dudley, son of D. of Northumberland.
Lady Katharine Grey, 1561.
=Edward Seymour, E. of Hertford, son of Protector Somerset, d. 1621.
James VI. (1567-1625). JAMES I. (1603-1625). [Table, p. 252.]
LADY ARABELLA STUART, 1610 (d. 1615).
=SIR WILLIAM SEYMOUR, MARQUESS OF HERTFORD.
Edward Seymour, Lord Beauchamp.

NOTE.—English sovereigns are shown in CAPITALS; Scottish sovereigns in **dark type**; important personages in the lines of descent in *italics*; and the three nearest possible claimants for *the English throne* in 1603, of British birth, are shown in *ITALIC CAPITALS*, their descent being shown by a double rule. The dates within brackets give the period during which the annexed title is held; other dates, except where otherwise specified, are those of marriages.

* It was from John of Gaunt's second marriage that the claims of Philip II. of Spain and his heirs arose. John's daughter Katharine, by his second wife Constance (daughter of Pedro the Cruel), married her second cousin, Henry of Castile, and their grand-daughter was Isabel the Catholic, whose issue is exhibited in the table, p. 296.

† Philip II. regarded his claims as strengthened by the facts that he was (*a*) the husband of our first Mary, (*b*) the chosen heir of Mary Queen of Scots, who considered herself, and is considered by English Legitimists, to be the rightful Queen of England, *vice* Elizabeth (Table, p. 247).

Conspectus of Reigns and Treaties, 1603—1714.

[*The more important names are printed in dark type.*]

Papacy.	Empire.	France.	Spain.	Russia.	Baltic Powers.	Treaties.
Clement VIII. (1592).	Rudolf II. (1576).	**Henry IV.** (1589).	Philip III. (1598).	Boris Godunof (1598).	Christian IV. [*D. & N.*] (1588).	**Edict of Nantes** (1598).
					Sigismund III. [*P.*] (1587), [*Sw.*] (1592).	
Leo XI. (1605).						
Paul V. (1605).	[*These Emperors are all* **Hapsburgs** *except Charles VII.—a* **Wittelsbach.**]			Pseudo-Demetrius (1605). Basil V. (1606).	Charles IX. [*Sw.*] (1604).	*Peace, Eng. & Spain* (1604). *Truce between Spain and revolted Dutch Provinces* (1609).
	Matthias (1612).	Louis XIII. (1610) [**Richelieu** real ruler, 1624-1642].		*Chaos*, 1610-13. Michael **Romanof** (1613).	**Gustavus Adolphus** [*Sw.*] (1611).	
	Ferdinand II. (1619).					
Gregory XV. (1621).			Philip IV. (1621).			
Urban VIII. (1623).						
	Ferdinand III. (1637).				Ladislas VII. [*P.*] (1632). Christina [*Sw.*] (1632).	*Tr. Prague* (1635).
Innocent X. (1644).	[**Fred. William**, "the Great Elector" of Brandenburg, 1640-88.]	**Louis XIV.** (1643) [**Mazarin** chief minister till 1661].		Alexis (1645).	Frederick III. [*D. & N.*] (1648). John Casimir [*P.*] (1648).	**Peace of Westfalia** (1648).

PAPACY.	EMPIRE.	FRANCE.	SPAIN.	RUSSIA.	BALTIC POWERS.	TREATIES.
ALEXANDER VII. (1655).					**Charles X.** [*Sw.*] (1654).	**Tr. of Pyrenees** (1659).
	LEOPOLD I. (1658).					*Peace between Baltic Powers* (1660-61).
		[Chief ministers: **Colbert**, 1661-83; **Louvois**, 1661-91.]	CHARLES II. (1665) [*last of the Spanish Hapsburgs*].		CHARLES XI. [*Sw.*] (1660).	*Triple Alliance* (1668).
CLEMENT IX. (1667).						**Tr. of Aachen** (1668).
CLEMENT X. (1670).					CHRISTIAN V. [*D.*] (1670).	*Tr. Dover* (1670)
Innocent XI. (1676).				FEODOR (1676). IWAN V. (1682).	**John Sobieski** [*P.*] (1677-97).	**P. of Nymwegen** (1678).
ALEXANDER VIII. (1689).				**Peter the Great** (1689).		*League of Augsburg* (1686).
INNOCENT XII. **(1691).**	[Elector FREDERICK I. becomes King of *Prussia*, 1701.]				AUGUSTUS II. (of Saxony). [*P.*] (1697).	**Tr. Ryswick** (1697).
					Charles XII. (*Sw.*) (1697).	*1st Partition* (1698).
					FREDERICK IV. [*D.*] (1699).	*Tr. Carlowitz* (1699).
Clement XI. (1700).			PHILIP V. (1700) [*Bourbon*].		STANISLAUS LECZINSKI [*P.*] (1701).	*2nd Partition* (1700).
	JOSEPH I. (1705).					*Grand Alliance* (1701).
						Tr. of Pruth (1711).
	Charles VI. (1711).				FREDERICK I. [*Sw.*] (1719).	**Tr. of Utrecht** (1713).
INNOCENT XIII. (1721).	CHARLES VII. (1742).	LOUIS XV. (1715).	FERDINAND VI. (1746).	KATHARINE I. (1725).	CHRISTIAN VI. [*D.*] 1730.	*Tr. of Rastadt & Baden* (1714).

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HISTORY OF ENGLAND, 1603—1714.

INTRODUCTORY CHAPTER.

I. Constitutional History of England to 1603.—§ 1. How England became and remained *one*.—§ 2. The *Curia Regis*, the County-Court and the Parliament.—§ 3. The Commons in the Fourteenth and Fifteenth Centuries.—§ 4. The New Monarchy and the Renascence Constitution.—§ 5. The Church-State of the Middle Ages: the Elizabethan Settlement of Church Creed and Government.

II. International History to 1603.—§ 6. The Fusion of the Roman Empire and the Catholic Church.—§ 7. The Conflict between the Spiritual and the Temporal Powers, and its results.—§ 8. Political Forces of the Sixteenth Century.—§ 9. The Renascence and the Reformation: some causes and tendencies.—§ 10. Some political effects of the Reformation.

III. Survey of the Stuart Period, 1603—1714.—§ 11. The Religious Problem: Religious Toleration.—§ 12. The Constitutional Problem: from Personal to Parliamentary Monarchy.—§ 13. International Problems: from Religious to Commercial Motives; the Passivity of England; the Eastern Question; English Colonization and Commerce.

I. Constitutional History of England to 1603.—§ 1.

The Migration of the English to Britain.

England, the land of the English, was not always in the place where it is now marked on our maps. Our fathers, the Teutonic tribes severally known to us as English, Saxons, and Jutes, once lived round the mouth of the Elbe; and it was not till the fifth century of our era that they crossed the North Sea and made numerous settlements along the coast of the island opposite to their homes. That island, whose first known name was *Albion*, had been called *Britannia* by the Romans during their occupation of it, from the name of the Keltic inhabitants of its southern parts, who called themselves *Brythons* or *Kymry*, and were called by our ancestors, all ignorant of descent from a common "Aryan" stock, *Welsh*, *i.e.* "foreigners." The English settled at various points along the coast as far North as the Firth of Forth, and from each of these as a centre gradually spread inland, either slaying,

or enslaving, or driving before them into the hill-region of the West the people they found dwelling in the land.

How England became *one*: Christianity.

Before the English Conquest was completed, a great change began to come over the invaders. The scattered kingdoms—for in the stress of conquest the different hordes had taken to themselves *kings*—were converted to Christianity by various means; and before the end of the seventh century England was the name of a Church governed in the main from Canterbury. The new religion was the first force that tended to union: the second, growing up under the shadow of the unifying Church, was the national Kingship, developed in meeting a fresh invasion—that of the Danes. This Kingship may be said to have fairly established itself when Æthelstan (924-941), having subdued the Danes, called himself "King of the English" and "Emperor of all the Britons," the latter title implying not only independence of the revived Holy Roman Empire (§ 6), but also superiority, vague enough, over the other kings in Britain, whether Welsh or Scottish or Anglo-Scottish.

Feudalism *v.* a Central Administrative System.

§ 2. But how preserve this unity? In the tenth century, it seemed as though the answer was going to be "Feudalism." But the great earldoms set up by the Danish and the later "Saxon" kings were done away with by the Norman kings, who sternly set themselves to confining feudalism to the sphere of *land-tenure* and not permitting it to grow into a "system" of *government*. At the Great Gemot of Salisbury, 1086, every landholder was put into direct touch with the King by an oath of *allegiance* that was to override the oath of *fealty* he swore to his immediate lord; and the duties of this allegiance were enforced by the King's Court.

The Angevin Constitution.

This *Curia Regis* took definite shape in the hands of Henry II., and made its financial, judicial, and political power felt all over England by means of that union of central and local authority which is known as the Angevin Shire-moot or County-Court.* When one

* This "County-Court" has nothing but the name in common with the County-Court familiar to us. The *new* County-*Court*, set up in 1846, is a revival of the civil jurisdiction of the old hundred-court: it is in the County-*Councils* set up in 1888, that we see some of the administrative functions of the *old* County-Court revived.

of the members of the central body, known as the itinerant justice, presided in the meeting of the county, assisted by the sheriff and attended by all the freemen of the shire, and inquired into matters fiscal, military, and judicial, we can see in such an assembly the embryo of the two institutions which we regard to-day as the chief elements of our English Constitution—the Grand Jury and the House of Commons. The system of "inquest by jury" was forced by foreign kings on our forefathers, who learned all unwillingly—because they were always connected with the transfer of money from the individual to the State—the legal methods of which we are so proud to-day. The minds of Englishmen were so thoroughly moulded and hardened into legal ways that, when reckless and incapable kings like Richard I. and John abused the system that they had inherited, the lawyer nobles of the North found nothing better fitted to curb the arbitrary nature of their government than a charter (the famous *Magna Carta*) binding the King henceforth to keep to the laws thus evolved.

From *Magna Carta* to the Model Parliament.

The conflict between the Kingship and the Baronage (clerical and lay) which centred round the Great Charter lasted for eighty years (1215—1295), and gave rise to many experiments in constitution-making: attempts were made whenever things got very bad—*e.g.* in 1215 and 1258—1265—to assert the right of an assembly of feudal tenants-in-chief to limit the resources of the Crown in respect of both finance and policy. The leader of the second of these attempts, Simon de Montfort, Earl of Leicester, had the insight to see this was too narrow a basis, and took the people into partnership. He fell at Evesham in 1265; but the victor there, Edward I., became his disciple, and after many experiments gathered together, in 1295, that famous assembly from which lawyers date the existence of the outline of our modern Constitution. Henceforth our National Council contained, besides the great barons, both spiritual and lay (bishops and abbots, earls and barons), representatives of the counties, cities, burghs, and, for a while, of the inferior clergy. To this body we henceforth confine the name *Parliament*.

About the same time most of the countries of Western

Europe were forming similar assemblies; but ours would seem to have two unique and saving features which help to account for its endurance in the face of their failure: Parliament was not a gathering of classes simply, but of localities also; and the gentry and the townsfolk, hostile in other lands, came together to form the "Third Estate" of our Parliament.

The Growth of the *Commons*.

§ 3. From 1295 the contest is not simply between King and Barons, as heretofore, but between King, Barons, and this "Third Estate," or "Commons" —*i.e.* the representatives of the lay communes or communities, both counties and towns. The Barons attempted to set aside both King and Commons in 1310 by the famous *Ordinances* of that year: Richard II. attempted to abolish the privileges of both Barons and Commons at the Parliament of Shrewsbury in 1398. The first attempt was overthrown by Edward II. in 1322, the second by the Duke of Lancaster in 1399: in each case the result was an alliance between the Kingship and the Third Estate. In the fourteenth and fifteenth centuries, therefore, we find the House of Commons apparently growing in strength: they gain a certain control over the royal revenue; they initiate, though they are far from controlling, legislation by bill; they evolve the right of impeachment (1376); and they are called to assist in depositions and elevations of kings (1327 and 1399). But it is important to note throughout that the evolution of their power follows on the lines of the shire-moots out of which they grew, and of which they may be regarded as, by representation, the accumulation. As the juries of the shire-moots assessed taxation, tried criminals, defined the armour of each citizen, so the House of Commons voted taxes, accused great "criminals" —*i.e.*, statesmen who were opposed to their views—and regulated the defence of the country. What the shire-moot had been able to do, that the House of Commons could do likewise: what exceeded the powers of the shire-moot exceeded also the powers of Parliament.

The Wane of the Commons.

But the Mediæval Constitution was always at the mercy of the great nobles; and when, about the middle of the fifteenth century, partly owing to long-gathering family jealousies amongst the Baronage (to the

chief of whom the Commons had long been wont to look as their "natural leaders"), partly owing to the miserable failure of the Lancastrian foreign policy and the final loss of France (1450), the civil wars broke out which took for their excuse the rival claims of cousins to the throne, and which are known as the *Wars of the Roses*, the Mediæval Constitution completely collapsed. After a period of violence, during which Parliament was overawed alternately by the rival factions, and made to pass laws (of *attainder*) condemning the defeated party to political death, the institution disappeared as a living force, and the popular monarchy of the Tudors took its place.

The Rise and Meaning of the *New Monarchy*.

§ 4. The point of change may be found by a glance at the reign of Henry VII. (1485—1509). During the first twelve years of this reign, six Parliaments were held; during the last twelve, only one. In the Tudor period, Parliament lost control over taxation because it was hardly ever asked for: Tudor kings found other ways of meeting their expenditure, such as "benevolences" or enforced presents, forced loans which were not repaid, plunder of monasteries and of the savings banks of the poor, feudal dues, and judicial fines. By keeping down the expenditure, avoiding foreign complications, and steering clear especially of war, the Tudor kings realized the long-cherished ideal of "living of their own," and did not burden their people. Parliament, in fact, lost its original *raison d'être*, and came to be regarded as an institution to be called in only at rare intervals to solve some extraordinary problem; and this it usually did, of itself or under pressure, in the way the King wanted it solved.

The Mediæval and the Renascence Constitutions.

And thus, over against the Mediæval Constitution, wherein Parliament was a constant factor with certain continually urged privileges, stood the Renascence Constitution, with its occasional Parliaments, its ever-busy Privy Council. As the popular Kingship superseded the Parliament, so the Privy Council to a large extent superseded the Jury, the prototype of the Parliament: juries dared not give verdicts against the Government, officials were protected, and the ordinary

process of law set aside in favour of Star Chamber prosecutions and interrogations before the Council.

The Sixteenth Century was, as Dr. Freeman has said, "the time of trial for parliamentary institutions in Europe." It is hard to see why our Parliament did not go the way of the Cortes of Castile and of Aragon or the States-General of France. The differences in structure noted above had something to do with it; the absence of a standing army perhaps influenced the Tudors quite as much as their respect for the letter of the law; and above all the usefulness of Parliament to "register the decrees" of the dictator kept it in existence.

The Church-State in the Middle Ages.

§ 5. By far the most important change in the Constitution which the Tudors effected was the revolution in the position of the National Church. We have seen how England was at first a Church—*i.e.*, the population of this country was organized as a whole under priests, ruling parishes, and bishops, ruling dioceses, in subordination, more or less, to the Archbishop of Canterbury: the Church had its system of law, which was universally administered, and which took cognizance of all cases. Under the shadow of the Church the Kingship grew up, and also developed *its* jurisdiction: clearly at some time these two systems of law, these two governments, the ecclesiastical and lay, must come into conflict. The Eleventh Century, with its various ideals, developed the controversy. The quarrel was twofold: the appointment of the officers of the Church—especially the bishops in their twofold character of spiritual pastor and landed proprietor—and the question of jurisdiction. Into both questions, "investiture" as well as jurisdictions, the Pope entered as a third party; and in the *Statutes of Provisors* and *of Præmunire* (1391 and 1393) attempts were made to limit his power in these two respects.

Church and State under the Tudors.

In the Sixteenth Century, the failure of the Papacy to maintain the high ideal of its headship of Christendom; the growing dissatisfaction with its taxation over all Europe; the indignation against the wealth of the clergy, especially the regulars—*i.e.*, those in monasteries; and several other causes of which we must speak later (§ 9), made many men disposed to seek to alter the conditions of this strange triangular duel

between the King, the Church, and the Papacy. The purely personal difficulty of the Divorce led Henry VIII. very gradually to simplify the problem—and what is more to carry Parliament with him—by eliminating one factor, the Pope; and this in turn led to changes in the internal relations of King and Church. Ultimately the King secured a much more real control than before over both the appointment—which is not the same as "making," be it noted—of bishops and their jurisdiction. The regular clergy were entirely plundered of home and property; the secular clergy were also plundered, but less mercilessly; and the English Church, separating herself, even as the English State had done, from foreign connexions, passed under the control of the lay power. And so to-day the Queen is "in all causes, and over all persons, within her dominions, supreme."

The Creed of the English Church.

So much for Church-government: there still remained the questions what was to be the ritual and the creed of this national and independent Church. There was plenty of choice. It was an age as full of the strife of creeds as was the Fourth Century: as then, each creed expected to win and become "catholic"; unlike then, all survived, and, however changed in spirit, do still survive. There were the Lutheran *Confession of Augsburg*, Calvin's *Institutes*, the *Tridentine Decrees*, the *Thirty-nine Articles*, and many such another. Which was to be the creed of the English Church? Henry VIII. tended in some measure towards Protestantism, but, after the Pilgrimage of Grace (1536), harked back to conservatism; Edward VI.'s Protectors hurried it, with packed Parliaments, into extreme Protestantism; Mary restored the older Catholic faith, *plus* obedience to Rome; Elizabeth established that "mean between two extremes" which has ever since made it possible to dispute whether the English Church is Catholic or Protestant.

The year 1588 is the real end of this period. By the defeat of the Spanish Armada it was made clear that the Church and State called England could hold their own way independent of Europe, and the necessity for the dictatorship came to an end. If we might use the word "Stuart" to indicate a period rather than a family, it would be best to say the Stuart Period began not with Elizabeth's death in 1603, but in 1588.

II. International History of England to 1603.—§ 6. In the years 323-325 A.D., the Roman Empire —then under Constantine—and the Christian Church united to form what in its *secular* aspect is called the "Holy Roman Empire," and in its *religious* aspect was the "Holy Catholic Church." The history of the complex institution thus brought into being is the history of Europe.* Aforetime there had been a Christian Church or Churches free and independent of the State, sometimes persecuted by it: from the reign of Constantine the State protects and controls the Church. The antagonism between Church and State with which we are so familiar was as yet undreamt of: Church and State were, one might say, identical, every citizen being *ipso facto* a catholic, and in both aspects owning allegiance to one supreme head, the Emperor. In the course of time, this state of things came to be regarded as Divinely appointed, as the "Kingdom of Heaven" which Jesus of Nazareth had founded, and treatises were written to prove and maintain this position.

The Empire and the Church.

On the death of Theodosius in the year 395, the Greek or Eastern part of the Roman Empire finally separated from the Latin or Western part. Henceforth they have a separate history: the Eastern became a Greek-Roman Nation-Church, with a territory whose conflict with successive waves of Muhammadans (Saracens, Seljuk Turks and Ottoman Turks) is part of the story of Europe, and whose fall in 1453 was a world-wide event in more senses than one. The Crusades were an episode in the history of this Byzantine Empire.

The abiding division of the Empire.

Western Rome had a different, perhaps stranger, course to run. It was what we have called a Church-State. Its temporal power was thoroughly broken down by inroads of Teutonic tribes who, though they did not make a clean sweep of it anywhere save in Britain, made a further fusion of its Roman-Christian

The Holy Roman Empire.

* This theme is worked out in one of the most fascinating historical works ever written—Prof. Bryce's *Holy Roman Empire*—and is the central idea in Prof. Freeman's admirable pocket-guide to the history of the World which is entitled *A General Sketch of European History* (Macmillan, 3*s.* 6*d.*). It is well in following the international history to make constant reference to some historical atlas, such as Prof. Gardiner's *School Atlas of English History* (Longmans, 5*s.*).

elements with their Teutonic laws and customs. In other words, while the Roman *Empire* was dissolved out of the ancient society, the Roman *Church* and *Law* remained and coalesced with the Teutonic elements. It was this union of ecclesiastical Rome with lay Teutonia that created Western Europe. It everywhere developed, as in England (§ 1), so on the Continent, Kingships which served as centres for the tribes and embryo nations, and which acknowledged no regular permanent superior until in A.D. 800 one great king, the Frankish Karl who ruled over all civilized Western Christendom, was crowned Emperor by Leo III., the then Bishop of Rome. In this German king (whom the French call "Charlemagne") was revived in the West the Roman Empire; and almost continuously thenceforth till 1453 there were two persons claiming to represent the ancient Roman Empire—the Greek who reigned in Constantinople, and the German whose capitals were, as a rule, Aachen and Rome.

The Growth of Kingdoms in the West.

§ 7. But neither Catholic Church nor German-Roman Empire could keep order: every baron who could build a fort and hold it, every bishop who could do the same, attempted to make themselves sovereigns. Some succeeded, some did not; and partly out of this, partly to check this, rose mediæval Kingships. In the Iberian Peninsula there were Kings of Navarre, Castile, Leon, Aragon, and Portugal, each winning more and more territory as they pushed back the Moors, who in A.D. 711 had overthrown the ancient Gothic monarchy of the Peninsula; there were dukes in Paris who became Kings of the Franks—afterwards of France—and who gradually extended their rule over almost all that had been Gaul; there were Kings of Germany and Italy who ruled over as much as they could at different times of those countries, and who soon became merged into one person—the Emperor; and in our own islands there were Kings of the English and of the Scots as well as kings in Ireland. Thus side by side, or rather intermixed, we have four powers—the Empire, the Church, Kingships, and the confusion which has been called Feudalism (§ 1).

The first two at first worked together, but in the Eleventh Century the reformation of the Church worked out by

Hildebrand (Pope Gregory VII.) and others emphasized the distinction between them, and led to a war *à outrance* between the Emperors and the Bishops of Rome, in which the latter, under the name of Popes, obtained the victory, and became the recognised heads of the Holy Catholic Church. There were several notable results of this struggle between the Spiritual and the Temporal Powers which is the central interest of the Middle Ages. In the first place, as the Popes' simplest method of weakening their rivals was to encourage the vassal princes and cities of the latter to revolt, Germany and Italy fell to pieces, and remained mere "geographical expressions," not states, till almost our own day.

The Two Swords : Political Results of the Struggle.

1. Germany and Italy.

In the second place, "the Empire" became practically restricted to Germany—a Germany which, however, included the Netherlands, the *County* of Burgundy, the mountain region which we know as Switzerland, and the north-western parts of what has, since the Holy Roman Empire came to an end in 1806, been known as the "Empire of Austria." Further, the Emperorship became a purely elective dignity, whose vacancies were filled up by a few ecclesiastical and temporal princes of Germany, called "Electors," and which, as it had no territory and very little power attached to it, had to be given to some powerful prince. From the Fifteenth Century onwards that prince was, with one exception (Charles VII., 1742—1745), the Archduke of Austria, of the family of Hapsburg.

2. The Empire.

Finally, the exigencies of the struggle lowered the character and prestige of the Papacy. Its partizanship during the "Babylonish Captivity" (1305—1376), its rapacity then and during the "Great Schism" which followed it, and its neglect to attend to its functions of religious supervision, gave rise to a universal discontent which, during the early part of the Fifteenth Century, found expression in the revival of the early institution of Œcumenical (*i.e.*, universal) Councils. But in the struggle between the Popes and the Councils, which, as a contest between the ideas of *absolute* monarchy and *constitutional* monarchy, often reminds us of our own struggles between

3. The Papacy.

King and Parliament, the monarch of Christendom triumphed, and the abuses of power which the General Councils (1409—1438) had been designed to check remained and grew.

The Political Forces of the Sixteenth Century.

§ 8. Thus in the early part of the Sixteenth Century we find for the first time an organized European states-system, connected not so much by a conscious recognition of a common membership in Catholic Christendom as by a restless diplomacy, and having as its chief phenomena: a Papacy triumphant but tending to corruption, seeking not the interests of Christendom but territorial power in Italy; a royal family in the kingdom of Spain, newly formed out of the marriage of the monarchs of Aragon and Castile; such close ties between this family and the Dukes of Austria, that one young man, Charles, is presumptive heir to both houses. The Dukes of Austria hold not only their various home lands, but also the Burgundian inheritance—*i.e.*, the lands now called Franche-Comté, Alsace, and the Netherlands—and, at times, the elective kingdoms of Hungary and Bohemia; whilst to the power thus given is superadded the still substantial dignity of the Empire. Beside these stand Kings of England, France, Scotland. Everywhere parliaments and councils have failed: we are in an age of enlightened despots, who encourage commerce and pursue their family interests. It is the last stage of the mediæval Holy Catholic Church in its undivided splendour.

Charles V. *v.* Francis I., 1519—1547.

On the death of the Emperor Maximilian in **1519**, his grandson Charles, already lord of the Spanish possessions in Europe and the New World, entered both into the possession of his Austro-Burgundian inheritance and into that personal rivalry with Francis I. of France which started the still unended struggle between the representative of German unity and the *soi-disant* successors of Charlemagne. Their contest filled Germany, France, and Spain, was fought out in Italy, and was the one international problem for England; but to us it is of importance chiefly because of its connexion with the politico-religious revolution that was at hand.

§ 9. This revolution, which for ever changed the mind of Europe, emphasizing the *individuality* first of the state, then

of the *man* (ch. IV. § 7), at the expense of the old idea of the *authority* of united Christendom, is the resultant of two complex movements, separable in thought but much intermingled in fact, respectively called the Renascence and the Reformation. The former name gives a unity to the stirring of men's minds on discovering that the world was interesting in itself quite apart from its being the scene of their heavenly probation, and that there were many things and men not dreamt of in their philosophy. The teaching of the Church, however systematic, seemed so narrow and arid to those who, especially after the dispersion of Greek scholars by the capture of Constantinople by the Turks in 1453, were plunging into the refound treasures of Greek Literature, where nothing had to be taken on faith, but everything was debatable and debated! And Christendom, with its capital, Rome, which to the eye of many generations had been barely discernible, at a distance, from the true Eternal City, seemed so small, ill-centred a place when men came to grasp that "the Indies" discovered by Christopher Columbus in 1492 were in reality a New World!

The *Renascence.*

On the top of these changes in men's attitude, which are only vaguely realizable,* came the attack on ecclesiastical abuses begun by Martin Luther of Wittenberg in 1517. The air had, for a century and a half, been thick with plans to "reform the Church in Head and Members": now at length men's minds were ripe for change. Some men were crying out for a purer, simpler, more spiritual religion, with less enforcement of external acts and more inward transformation; laymen were weary of the dominance of the clergy as a privileged caste, especially as they seemed little inclined to act up to their official position; Germans had had enough of a Latin Church worked by an Italian head and foreign priests; and both clergy and rulers in many countries were feeling the inconvenience of submission to a distant potentate who expected them to satisfy his material wants but seemingly took small pains to know or meet their ghostly needs.

The *Reformation.*

* The late Charles Beard's Hibbert Lectures on the *Reformation in its Relation to Modern Thought* (Williams & Norgate, 4*s.* 6*d.*) are as handy, fair, and clear a summary as could be desired.

Some Political Effects of the Reformation.

§ 10. From such a medley of causes came *the* Reformation, which took such various shapes and had such widely different results in different countries. Of these we can only dwell on one: the rise out of the Formal Unity of the Mediæval System of new theological sects and new theocracies that we have still with us. It might be almost true to say that Christendom ceased, and instead of the *one* great theocracy, of which the kingdoms had been consciously only parts, there were now *many* theocracies. The kingdoms of the Continent had had their quarrels with the Papacy in mediæval times, just as the kingdom of England had had (§ 5): each had its triangular duel of Church, Pope, and King, and each had, at one time or other, threatened such a schism as Henry VIII. carried out in England. Hitherto some *modus vivendi* had always been found possible: hereafter we find some members of Western Christendom holding fast more than ever to the idea that the unity of the Church can only be maintained by obedience to a universal bishop, while others discard the notion of *One* Visible Church altogether, and develop *National* Churches. Amongst the former were Spain, Italy, and the greater part of the Austrian possessions: the Northern kingdoms, as well as Scotland and England, (§ 5) quite separated from the ancient Catholic theocracy. Everywhere there was a struggle: nowhere was it fought out on purely religious grounds. By the end of the Sixteenth Century it had become pretty clear that the Swiss cantons—the little peasant republics that had grown up in the highlands of Germany—would remain divided in religion, as they are to this day; and that the Netherlands —the group of low-lying lands on the North Sea whose history is as intricate as that of Switzerland and much more closely connected with our own—would become different in religion as they already were in race, the Walloon South remaining Roman Catholic and Spanish, the "Dutch" Northern provinces becoming Protestant and independent. The conflict was interesting enough here, but the critical struggles were in France and Germany; and in each case the disunion of the Protestants (for Lutherans hated Calvinists almost as much as they did Rome, while

Anglicans stood aloof in feeling, though they could not in action, from both) greatly imperilled them in the face of enemies who, if politically disunited, were ecclesiastically—thanks to the Council of Trent (1545—1563)—more at one than ever. In Germany, the Hapsburgs, after a long struggle, restored Roman Catholicism in their hereditary dominions, though Hungarian Protestantism was long a trouble to them; but in their endeavour, as Catholic Emperors, to suppress Protestantism in Germany, they only added to the divisions of that country. France, after first playing with the new theology, and encouraging the Protestant princes of Germany, as she encouraged the still warlike Turks, against the Emperor, for her own purposes, at last fell a prey herself to religious civil war, from which she emerged only when her king, Henry of Navarre, himself trained as a Huguenot, renounced his religion to gain his crown. It is especially with reference to these two countries that Mr. Gladstone's clear distinction, which goes to the root of the matter, holds true: "In the movement of the Sixteenth Century, England stands contrasted with other great European countries in this vital respect, that the instinct of national unity was throughout more powerful than the disintegrating tendencies of religious controversy."

III. Survey of the Stuart Period, 1603—1714.—§ 11. After this sketch, however slight, of English History in both its domestic and European aspects, we are in a position to make some sort of a forecast of the century that lies before us. Roughly, there were three problems. What was to become of the Elizabethan Settlement of the Church? In what direction was the Elizabethan Constitution, with its two co-ordinate authorities, the King in Council and the King in Parliament, existing side by side and none to hold the balance between them, to develop? And what sides were we to take in the impending European Conflict?

Problems of the Stuart Period.

It is the religious question which throughout gives its distinctive colour to the period. Elizabeth's settlement had been purposely broad, so that, if possible, every one might find room for his opinions, as heretofore, within the pale of the English Church. But men were too deeply interested in religious matters to be

1. The Church Problem.

content to conform: they wanted the Church remodelled to suit their ideas. Now the King and the bishops from the beginning were out of sympathy with the majority of Englishmen. They began by trying to soften down the XXXIX. Articles of 1563—1571 in accordance with the teachings of a Dutch theologian named Arminius; later, under Laud's influence, they endeavoured to restore the pre-Reformation ceremonial of the English Church. But the mass of Englishmen were Calvinistic in *doctrine*, and Puritan in *worship*; and so it came to pass that, offended in both these respects by the action of their ecclesiastical rulers, they grew dissatisfied with the existing system of *Church-government*. In the great struggle which took place in the middle of the century (1640—1660) Presbyterianism, an oligarchic form of government, and Congregationalism, a democratized anarchy, were successively tried and found wanting; and with the Restoration of a modified Kingship in 1660 a modified Episcopacy is also restored. At the end of the period the Church thus constituted succeeded in thwarting James II.'s attempt to lead or drive her back into the obedience of Rome (1689), but only on condition of permitting those Protestants who could not accept her doctrine, worship, and government to worship as they pleased. *Religious Toleration*, still in its infancy, is the most novel and substantial result of the period: men are to be allowed, within certain limits and under certain disabilities, to live in habitual revolt against the State-law in so momentous a thing as religion. (Cf. especially ch. V. § 10, VIII. § 4, XII. § 12.)

2. The Constitutional Problem.

§ 12. The Constitutional question took as many shapes as the Religious one with which it was throughout entangled. Here too the Stuarts were at variance with the feelings of their subjects. They found the Kingship the dominant factor in English politics, and they sought to make it the only one. The idea was quite natural: had they been in harmony with their people in religion, the Stuarts might well have induced them to acquiesce, as the peoples in the neighbouring states had for the most part done, in the establishment of a despotic monarchy. It is not however likely that they would have succeeded anyhow, and they certainly were not in them-

selves well fitted for the task. In their attempt to set up a new theory of Kingship—whereby it alone had a "divine right" to exist and all other institutions and laws of the land rested on its sufferance—and in their efforts to turn the Tudor innovations in government into constitutional rules, they were beaten, but only very slowly and after many all-but triumphs, all along the line. Parliament, looking back beyond that Sixteenth Century from which the Stuarts drew their precedents, asserted as early as 1604 that it had as much right to live as the King had; by the *Puritan* Revolution which ended in 1660 it may be said to have made this assertion good; and by the *Protestant* Revolution of 1688–9 it laid the foundations, and did something towards erecting the superstructure, of that sovereignty of Parliament which was the very antithesis of *Jure Divino* Monarchy.

So too with the pretensions based partly on this theory, partly on a late prescription: the King's claims to have power of taxation by Prerogative—whether in the form of extra-customs dues (1606—1628), or grant of Monopolies (1624), or Forced Loans and Benevolences (1614—1628), or Tunnage and Poundage (1625—1641), or by the revival of obsolete ante-parliamentary taxes like Ship-Money (1634—1641)—to have summary powers of imprisonment like those which all other states but England allow to be necessary for good government (1629, 1679), to have the complete control of the judiciary (1701) and of the administration (1621, 1678, 1701), and to have some power of making (1610), and wholesale power of unmaking, laws (1673, 1689) were all successfully repudiated at the times indicated.*

Such were a few of the questions raised, and to some extent answered, during this period. The most solid result was perhaps the establishment of complete Parliamentary control over both the granting and the spending of public money. Not less important, if we look farther ahead, than this control over Finance, was the fact that the method whereby ultimately a similar control over Administration was to be obtained had been suggested and experimented on in the shape of party Cabinets (1694–7,

* The second of the dates coupled by a dash is in each case the terminal date of the struggle.

1708-10), and hints had been given that the House of Commons should be made more [illegible] and more widely representative. These must be mentioned here just because it is so essential to realize that party government and the ultimate sovereignty of the electorate, which are such familiar facts to us to-day, were the merest ideas in the Seventeenth Century.

3. International Problems: Religion and Commerce.

§ 13. In the sphere of our external relations the main point of contrast between the Sixteenth and the Seventeenth Centuries is the gradual substitution of commercial for religious grounds of alliance or hostility with other countries. At the beginning of the period we were on friendly terms with the revolted Netherlands, with France, whose policy then ever was Protestant abroad, if Catholic at home, and with the North German princes, while we were at enmity with Spain, the then champion of Roman Catholicism. In the middle of the century we engaged in three wars with the Dutch as a commercial Power (1651–4, 1665–7, and 1672–4); and we only became their allies again because of certain community of interests as against France, and because the ruling houses of the two countries coincided for the moment in the person of their Stadtholder William of Orange —our William III. At the end of the century we shared in two general wars with France, which though nominally for the Balance of Power in Europe, were really for us the beginning of our long struggle with France for Colonies.

English Passivity; the Eastern Question; Colonization.

Three other features of our international relations during this century require to be constantly borne in mind. The first is the small part England played in European affairs until under William III. she took up the part she had acted in the time of Elizabeth—that of principal antagonist to the Power which predominated on the Continent (Philip II. and Louis XIV. respectively). This passivity was one of the consequences of the lack of cohesion between King and Parliament, whose domestic effects we have already considered; but it had the disastrous consequence of leaving Germany to exhaust itself in the frightful European contest known as the Thirty Years' War, which broke out in 1618, and left an ever-strengthening France and an ever-weakening

Austria face to face in an open or secret struggle for the mastership of the fragments of the Empire. Again it was largely the attitude of our Charles II. of neutrality or positive friendliness to France that enabled Louis XIV. by the treaties of Aix-la-Chapelle (1668) and Nimwegen (1678) to add to the vast power which had been already won in the Peace of Westfalia, 1648. After the Revolution of 1688, all this is changed; and the period closes with two colossal wars with France, the one (1689—1697) to defend the English Succession, the other (1701—1713) to prevent the Spanish Hapsburg inheritance passing to the Bourbons.

The Eastern Question.

Meanwhile great changes were going on in the side of Europe remote from us which are not without interest to us in these days of the "Triple Alliance" and the "Sick Man." It was during this century that the Northern and Eastern Powers, hitherto hardly part of Europe, underwent their great transformation. Poland lost her front place early in the century, though under John Sobieski she did for a moment appear as the deliverer of Europe by saving Vienna from the Turks (1683); while Sweden, which for a few years (1630–2) under Gustavus Adolphus had seemed to hold the fortunes of Europe in her hand, was, under Charles XII., deposed from her primacy amongst the Baltic Powers and finally supplanted by Russia, whose Tzar Peter the Great gave her "an eye into Europe" in the capital called by his name. At the very end of the century the electorate of Brandenburg blossomed into the kingdom of Prussia, though its rulers, the Hohenzollern, gave small sign as yet of being the future unifiers of Germany (1871).

Greater Britain.

The third feature is the entrance upon the scene, partly in a religious, partly in a commercial spirit, of England as a colonizing Power, in competition, as becomes quite obvious when we look at the terms of the Peace of Utrecht, 1713, with Spain, Portugal, Holland, and France. As in the last case, the importance of this feature lies in its pregnancy: it is in the growth of the Eastern Question and of Greater Britain that much of the future interest of our history lies. For this last aspect we naturally turn to Professor Seeley's *Expansion of England*.

Constitutional Problems of the Stuart Period.

I. THE CHURCH OF ENGLAND: is it to be **Protestant** or **Romanist**? and if Protestant, is it to be **Puritan** or **Catholic**? More specifically :—

i. DOCTRINE : is it to be **Calvinistic**?

ii. WORSHIP : is it to be **Catholic**?

iii. GOVERNMENT : is it to be—

(1) *Hierarchical*
- (*a*) **Episcopacy** — either of *expediency* or *jure divino*.
- (*b*) **Presbyterianism**—either on the Scottish model or as modified in England.

(2) *Independent*
- (*a*) "*Established*" (as under Cromwell).
- (*b*) "*Free*" (as Roger Williams wished).

N.B.—*GENERAL RESULTS* :—

I. CONSERVATISM.

Retention of the main features of the Tudor Settlement : In external relations the Anglican Church remains both independent of Rome and out of communion with Continental Protestantism ; while its internal structure and formularies are preserved almost unaltered in the *via media*, the bias of Churchmen, both clergy and lay, varies.

II. INNOVATION.

Religious Nonconformity : Just as under the Tudors the English Church had failed, after **1570**, to keep zealous Romanists within its pale, so now under the Stuarts it fails to "comprehend" zealous Puritans, who after **1662** become the Protestant Nonconformists, and in **1689** obtain a partial legal recognition, as **Dissenters**, by the *Toleration Act*.

II. THE QUESTION OF SOVEREIGNTY : King *v.* Parliament.

i. BASIS : does the King's authority—

	Answer : No !
(1) rest upon indefeasible **Divine Right** ;	(1) It rests upon a **Social Contract (1689)**.
(2) imply an absolute sovereign power in accordance with his **personal will** ; and	(2) It is limited by the **Law** [contrast the judges' opinions in *Hampden's Case*, **1638**, with the *Bill of Rights*, **1689**].
(3) form the sole source of all other authority in the land?	(3) Repudiated by the Commons' *Great Protestation* of December **1621**, etc.

ii. POWERS : is the King's Prerogative unlimited in—

(1) **Legislation.**

(*a*) *Positive.* No : see *Case of Proclamations*, **1610**. | (*b*) *Negative.* No : both **Dispensing Power** (tried **1686**, etc.), and **Suspending Power** (tried **1672,1687-8**), denied **1689**.

(2) **Finance.**

(*a*) **Can the King raise money as he pleases?** No : neither by—

(*a*) INDIRECT TAXATION : such as **Impositions (1606-1641)** ; **Tunnage** and **Poundage (1625-1641)** ; and **Monopolies (1603-1624** and **1641)**.

Nor by (*β*) DIRECT TAXATION : such as **Benevolences** and **Forced Loans (1626-1629** and **1641)** ; **Ship-Money** and Fines for obsolete offences like encroaching on the Royal Forests, omitting to undertake knighthood **(1629-1641)** ; **Feudal Dues (1610, 1660)**.

(*b*) **Can the King spend money as he pleases?** No : because of—

(*a*) INDIRECT CHECKS, such as **Redress before Supply** (*e.g.* 1614, 1640) and refusal to grant money for life (*e.g.* 1625, 1689 : rare till **1689**).

(*β*) DIRECT CHECKS, such as **Appropriation of Grants** (*e.g.* **1624, 1665**) and Parliamentary **Audit of Accounts (1667)**. *Neither in regular use till* **1689**.

(3) **Administration** [see too *sub.* 2, *b*, *β*] : has King sole or final control over—

(*a*) MEN OF GOVERNMENT? No : in neither case below—

(*a*) **Ministers**: the King's *approval* (Strafford, **1641**), *order* (Danby, **1678**), or *pardon* (**1701**), not pleadable in bar of an **Impeachment** (revived, after 172 years, in **1621**).

(*β*) **Judges** : who may be punished for wrongful decisions (1641), and may not be dismissed at the King's pleasure (1689).

(*b*) MEASURES OF GOVERNMENT? No : not even in the "mystery" of **Foreign Policy** (1621, 1677).

(*c*) MEANS OF GOVERNMENT? No : King may not enforce his will by—

(*a*) DROIT ADMINISTRATIF : persons arrested by the King's special command may no more be detained in prison without trial than may others **(1628, 1679)** ; nor may they be tried by **Martial Law (1628)**, or by *bodies lying outside the Common Law* (*e.g.* **Star Chamber** and **High Commission, 1641**).

(*β*) THE ARMY : either the **Militia (1642**—but the sole control of King over it was recognised by Parliament in **1661**), or a **Standing Army** : cf. *Mutiny Act*, **1689**, onwards.

CHAPTER I.: PART I.

JAMES I. AND SALISBURY.

March 24, 1603—May 1612.

§ 1. The Question of Succession to the Crown bound up with the Question of Religion.—§ 2. Legal and General Grounds on which James VI. of Scots succeeded Elizabeth on the Throne of England.—§ 3. James's Training and Character.—§ 4. Constitutional Relations existing between the Kingdoms of England and Scotland, 1603—1707.—§ 5. James's Foreign Policy; Cecil (Salisbury) becomes Chief Minister; Ralegh disgraced; the Main and the Bye Plots.—§ 6. James and Church Parties; the *Millenary Petition*, April 1603.—§ 7. The Hampton Court Conference, January 1604: its Composition and Issues; "No Bishop, no King."—§ 8. Early Results of the Alliance between Kingship and Episcopate: the Canons of 1604 and 1606; the *Authorised Version* of 1611.—§ 9. The First Session of James I.'s First Parliament, March 19—July 7, 1604.—§ 10. *A Form of Apology and Satisfaction to be delivered to His Majesty.*—§ 11. The Commons and the Royal Supremacy; Recusancy; Causes and Effects of the Gunpowder Plot, November 5, 1605.—§ 12. The Second and Third Sessions of the First Parliament, 1605—1607; the Question of Scottish Union.—§ 13. The State Finances under James I.—§ 14. The Question of Impositions; *Bate's Case*, 1607.—§ 15. Legal and Constitutional Bearings of *Bate's Case*; Salisbury's *Book of Rates*, 1608; Position and Principles of the Judges.—§ 16. The Fourth Session of the First Parliament, February 9—July 23, 1610: Impositions, Proclamations, the High Commission, Feudal Dues.—§ 17. The Fifth Session of the First Parliament, October 16—December 6, 1610: the *Great Contract* and the Dissolution of 1611.

Who shall succeed Elizabeth?

§ 1. When, on March 24, 1603, "Good Queen Bess" died, the succession to the English throne was disputable indeed, but practically undisputed. All through Elizabeth's reign discussion had been going on as to who should succeed or supplant her. This discussion had at times run to bitterness and bloodshed, because, judging by the experience of the last two or three changes in the kingship, most men felt that the future of the Church of England greatly depended on the personal inclinations of the sovereign, who was, in the legal formula

of the Elizabethan *Act of Supremacy*, "over all persons and in all causes, ecclesiastical as well as civil, supreme" (vol. II., ch. vii., § 4). According to the conception of the Church which was then generally current, each man's religion was absolutely bound up with the Church of his country; and after the great religious stir in the sixteenth century a larger proportion of men than usual took an active interest in religious matters (vol. II., Intro., §§ 21-26).

The Question of Religion.

The question of the succession was not destined, however, to plunge England into such civil turmoils as had often threatened her in the time of Elizabeth—*e.g.*, in 1569 (vol. II., ch. vii., § 18)—and had actually befallen France in the years 1585—1593 (vol. II., ch. ix., §§ 5, 11). Whatever Englishmen were at the beginning of Elizabeth's reign, at the end they were tolerably united in their resolve to be "Protestant"—that is, anything but Roman Catholic: the tradition was already forming that all their political and social and economic evils sprang from "Popery." None the less the attempt was made. For instance, in 1594 the Jesuit Parsons put forth, under the assumed name of Doleman, his *Conference about the Next Succession to the Crown of England*, which took up the same line as had been taken up by the Jesuit pamphleteers of the French Catholic League, and was a century later taken up by Protestant pamphleteers and politicians in England (ch. ix., xi.): that a nation might, nay, ought to, depose a reigning king, or exclude the next heir from the throne, on account of his religion. From that principle, combined with a fantastic examination of genealogical tables, he deduced that, now Mary Queen of Scots was dead, the proper person to wear the crown of England would be found in the royal house of Spain, which had intermarried with the family of John of Gaunt, Duke of Lancaster, two centuries ago. Altogether Parsons enumerated over a dozen possible claimants; but the pamphlet failed completely.

Rules of Succession to the English Crown.

§ 2. Englishmen have never been greatly influenced by such elaborate theorisation. They tumble into some course which they call "the only simple and natural course"; and then literary folk write books showing why they acted as they did, and how

thoroughly fit and proper the whole thing was. So now, they practically "plumped" for James VI. of Scots, because he was both the heir and sufficiently unknown to be acceptable. Until the *Act of Settlement*, 1701 (ch. xiii., § 20), made the throne of England, etc., by law hereditary (subject to certain religious conditions, which have not yet been set aside as obsolete), that throne was, in a sense, elective: it went to the next-of-kin only if there were no good reason to the contrary.

How James VI. of Scots became King of England.

In the present case, the Scots House of Stuart—which was, as the Table on p. xvi. shows, the nearest collateral line to Henry VIII. on the death of his own children—had been deliberately set aside by Henry VIII.'s will in favour of the junior line of Suffolk. Ordinarily, an English king has no legal power to make arrangements for the government of the country after his decease; but Henry had been authorised by Parliament three years before his death to settle the succession as he pleased. His plan was now quietly ignored on several grounds. Legally, it was open to doubt whether Henry's will had been executed in due form, and whether, therefore, it was valid. There were sound practical reasons also: Henry's name did not carry the weight it had done half a century before; his disposition had been made to spite his sister Margaret, who had behaved somewhat shabbily to him; and Elizabeth, by declining to acknowledge that there had been a marriage between Lady Katharine Grey and Edward Seymour, Earl of Hertford (vol. II., ch. vii., § 11), had cast doubts on the legitimacy of Sir William Seymour, the representative of the Suffolk line. Hence his name was scarcely mentioned in connection with the succession; and the claims of the only other feasible candidate, Lady Arabella Stuart, were equally ignored (Table, p. xvi, also § 5, below).

Why James VI. of Scots became King of England.

The fact that, unlike James, Arabella had been born and bred in England, and was therefore no foreigner, carried less weight with those in authority than did the advantages of the union of the hitherto rival kingdoms of England and Scotland under the same head. Ever since the days of Edward I., the

premature aspirant after the political union of Great Britain, Scotland had been ever ready—especially when England was engaged in war with France—to harass her southern neighbour in the rear (*e.g.*, vol. II., pp. 72, 94, 160, 167, 199, 206): the international position of England would be therefore immensely strengthened by allowing the union which Henry VII. had schemed in his marriage-alliance of one hundred years before to take effect (vol. II., ch. i., § 8). Besides, there was Elizabeth's dying recommendation, which, though of no legal value, had immense practical weight. Elizabeth, at the last, had broken through the reserve as to her successor, which for excellent reasons of State she had maintained throughout her life. "My seat," she burst out of her lethargy on hearing Seymour's name put forward by one of the group around her bed, "my seat hath been the seat of kings; and I will have no rascal to succeed me."

However various the causes which, in point of fact, made James acceptable to the nation, the sole title formally put forward by himself was hereditary right; and this was confirmed by the first Act on the statute-book for his reign, which declared that, immediately on the decease of Elizabeth,

"the imperial crown of the realm of England did by inherent birthright, and lawful and undoubted succession, descend and come to His Most Excellent Majesty, as being lineally, justly, and lawfully, next and sole heir of the blood royal of this realm."

James's Scottish Upbringing.

§ 3. A statutory foundation was thus laid for that theory of the Divine Right of Kings which received such elaboration by the Stuarts and their friends (Intro., § 12; ch. ix., § 21; ch. xi., § 11). All James's previous history had made him inclined, on public as well as personal grounds, to welcome a theory devised to strengthen the Kingship. The disorders of Scotland were largely due to the weakness of her central government; and he had himself been made to feel keenly his helplessness in the face of baronial factions and clerical dictation (§ 7). He therefore came to England in high hopes of finding there a suitable environment for realising the ideal of kingship, conceived under the influence of the Roman law prevalent in Scotland, which he had embodied in his treatise, *The True Law of Free Monarchies.* He also looked for the enjoyment

of greater revenues than those to which he had been accustomed, and therefore spoke of his new kingdom as "the Land of Promise." His Scottish antecedents were thus directly responsible both for the extravagant notions of kingship and for the royal habit of pecuniary extravagance which were to be dominant notes of his English reign. To these characteristics, referable to the circumstances of his Scottish life, may be added yet another—the constitutional timidity which can be traced back to the shock which his mother received, three months before his birth in June 1566, at the murder of her friend Rizzio (vol. II., ch. vii., § 13).

Personalities.

For the rest, he was a learned man with a shrewd insight into things and men, but with very little tact or capacity for handling them after his lights. He was ungainly in bearing—his legs were rickety and he had goggle eyes—and clumsy in conduct: in other words, he lacked the qualities which, far more than searching wisdom, go to make such a leader of men as Elizabeth had been. That was precisely what his great contemporary, Henry IV. of France, meant when he spoke of him as "*Maître Jacques*," what Henry's minister Sully meant in describing him as "the wisest fool in Christendom."

The Relations of England and Scotland, 1603-1707.

§ 4. With the accession of the Scots king to the English throne, the two kingdoms in Britain came into a peculiar relation one to another. In a sense they were united as Edward I. had desired them to be: on the other hand, the aspirations of his adversaries, Wallace and Bruce, for the independence of Scotland were satisfied—for Scotland was certainly not conquered, in the sense in which Ireland had been conquered, by England. Each of the kingdoms retained its own laws and customs, its own system of government, and its own ecclesiastical and lay assemblies; and each protected itself against the trade competition of the other no less vigorously than the British Colonies now protect themselves against the mother country and one another. Constitutionally, they remained separate kingdoms, each possessing what we should now call "home-rule." Diplomatically, however, they were regarded as one; and James gave this unity formal shape by assuming, in a Proclamation issued October 20,

1604, the style of "King of Great Britain," in addition to the style "King of Ireland" (dating from 1542) and "King of France" (from 1338). Sometimes, for instance, on his coins, he called himself "Imperator" of Great Britain, therein repeating the old assertion of independence of the Holy Roman Empire (Intro., § 1).

Great Britain and "*Calvin's Case*," 1608.

But though the new title—which had been suggested in a scheme of fusion set forth by Scotsmen in 1559 (vol. II., ch. vii., § 8)—was "ordered to be used in proclamations, missives, treaties, leagues, dedications," etc., it was not universally adopted until the Acts which in 1707 united the Parliaments of England and Scotland gave it statutory sanction (ch. xv., § 6). Except under the revolutionary rule of Cromwell, 1654-60, the two kingdoms, apart from international purposes, retained their separate organisations (ch. viii., § 5). James I. tried in vain to induce his English Parliament to ratify his ideas of the complete unity of the "imperial monarchy of these two great kingdoms": old national jealousies and commercial exclusiveness stood in the way. Besides, there was some kind of fear lest, in the blending of English Common Law and the Roman Law adopted in Scotland, English liberties should in some way be crushed by imperialistic pretensions. All James could do was to secure alike to Englishmen and Scotsmen born since March 24, 1603, the private rights of fellow-citizens. This was secured in 1608 by the decision of the Judges in Exchequer Chamber that the Scots baby Robert Colville was entitled to hold land in England: in this "*Calvin's*" *Case* (as it is called) it was held that those who owe allegiance to the same person could not be treated as aliens in any of the dominions of their common sovereign.

James I.'s Foreign Policy: Peace with Spain, 1604.

§ 5. The only burning questions which James found in his way, as in April 1603 he journeyed slowly and triumphantly southwards, were foreign policy and Church policy. In both James practically followed in the footsteps of his predecessor, although he imagined himself greatly her superior in political ability—a feeling illustrated by the story that Sully, on coming over to cultivate his friendship with France, was advised not to appear at Court in mourning for the

Queen. In foreign policy he found himself engaged in war with Spain; but as with the death of Philip II. in 1598 the prospects of a successful Roman Catholic crusade under Spanish leadership had vanished, and as there was now little fear lest our allies, the revolted Provinces of the Netherlands, should succumb to the failing power of Spain, James was not really deserting Elizabethan diplomatics when, in March 1604, he made peace with that country (cf. vol. II., ch. ix., §§ 1, 11).

Rise of Cecil and Fall of Ralegh.

This pacific step he took at the advice of Sir Robert Cecil, a younger son of Elizabeth's chief adviser, Lord Burghley, who had done more than any one else to smooth the way for the quiet accession of James, and who was rewarded in 1604 with the title Viscount Cranborne, and in 1605 was raised to the earldom of Salisbury. Cecil thus remained in office as Secretary of State, and till his death in 1612 maintained some continuity in governmental policy on his father's lines (§§ 18, 30). Quite of a piece with the elevation of Cecil was the disgrace of his opponent Sir Walter Ralegh, the leader of the war-party in Elizabeth's later days: his restless spirit found a congenial field in the half-private maritime warfare between these English wikings and Spain (vol. II., ch. xi., §§ 12-14).

The Main and the Bye Plots, 1603.

The formal charge against Ralegh was that of being engaged in treasonable plots. Two were set on foot early in the autumn of 1603. One, known as the *Main Plot*, consisted of some vague conversation of Ralegh's friend, Lord Cobham, and others, about the desirability of putting the Lady Arabella Stuart on the throne, and taking up a warlike Protestant policy: the other, known as the *Bye Plot*, or *Surprising Treason*, was a more serious endeavour by Lord Cobham's brother, George Brooke, and Watson, a Roman Catholic priest, to kidnap James (just as he had been kidnapped by the Scots Protestant party in 1583), with a view to forcing him to relax the penal laws against Romanists. The two plots, though so contradictory in aim, were ingeniously mixed up by the counsel for the Crown, with the result that Brooke and Watson were executed, Ralegh, Cobham, and others were imprisoned (§ 20, end).

Probably the men associated with the "Main Plot" had been guilty of nothing more than a few idle words spoken in the annoyance of exclusion from office. At any rate, the Lady Arabella had nothing to do with it; and she moved about the Court until after her unhappy marriage in 1610 with Lord Beauchamp's second son, Sir William Seymour—who was, like herself, not so very far removed from the succession to the throne (§ 2). This conjunction of two possible competing claims—naturally, perhaps, but quite undeservedly—aroused James's suspicion. Both were placed under supervision: Seymour escaped to France; his wife, after a futile attempt to join him, went mad, and died in 1615.

Fate of Arabella Stuart, 1610-15.

§ 6. James I.'s foreign policy was of direct interest to few: his ecclesiastical policy concerned all. The Church of England was still supposed, as in the Middle Ages, to include all Englishmen: as a matter of fact, there were many who disapproved of the separation from Rome, and who, if a choice must be made, preferred to remain in the Roman, rather than in the Anglican, communion; and, on the other hand, there were many who, though cordially agreeing with the disconnection from Rome, were dissatisfied with what Elizabeth had made of the Church (Intro., §§ 5, 11: cf. II., iii. 15; viii., §§ 1-8). The latter were called by the general term of *Puritan*, from their desire to "purify" the Christian religion from all its manifold accretions in respect of worship, creed, and government since the days of the Apostles (cf. ch. vi., § 1): the former, from their tendency to regard some ill-defined measure of obedience to the Pope as part of the Catholic Faith, are known as *Roman Catholic*. In neither party did the enthusiasts stick at using force to acquire control of governmental machinery. Some Puritans had indeed joined hands with the Romanist promoters of the Bye Plot, in hope to secure religious toleration; but such action was rare. Hot-headed Puritans had in Elizabeth's days striven, by means of the House of Commons, to puritanise the Church, and they were destined to repeat the attempt, with greater success, in the coming time (ch. ii., § 11; ch. iv., § 7; ch. v., § 11, etc.). Similarly Roman Catholic zealots had made many

James and Church Parties.

attempts in Elizabeth's reign to secure control of the State in the interest of the Papacy, and, as we shall see (§ 11; ch. viii., § 12; ch. ix., § 11.; chs. x., xi.), other such attempts were in the womb of the future. Being, however, an unrepresented minority, they were driven to adopt measures which, at the first blush, seem less respectable than the "constitutional methods" of their antagonists.

The Millenary Petition, April 1603.

But at James's accession the most active party amongst the religious malcontents was that moderate section of the Puritans that wished to make the Church to which they belonged just a little more distinctly Protestant. They had put their programme into James's hands as he was travelling to London. It was called the *Millenary Petition*, because it had originally aspired to obtain the signatures of 1,000, though, as a matter of fact, it had received the verbal assent of only some 800, Puritan clergymen. It was by no means revolutionary: far from advocating any great change in Church government, such as both Cartwright and the Separatists had demanded under Elizabeth (vol. II., ch. viii., § 6), it simply urged—

i. The omission from the Prayer-Book of some of the Catholic words (like *Priest*) and usages (*e.g.*, the ring in Matrimony, and the sign of the cross in Baptism),

ii. The requirement of proof of capacity for preaching from candidates for Ordination, and the enforcement of residence on all beneficed clergy.

iii. The reform of the ecclesiastical courts [cf. § 16.]

The Hampton Court Conference, January 14, 16, 18, 1604.

§ 7. Most of these points were submitted to the Conference which James summoned to his palace of Hampton Court, in January 1604. The Conference included both high dignitaries and leading Puritan ministers of the Church; but whereas the former class numbered sixteen (including Whitgift, Archbishop of Canterbury, and eight other bishops), only four Puritans were invited. James practically came to an understanding with the dignitaries before the public proceedings began. A few alterations were made in the Prayer-Book; a new translation of the Bible was agreed on; and the extreme Calvinistic dogmas known as the *Lambeth Articles*, which Whitgift had almost persuaded the Church to adopt in 1595, were definitely rejected.

Compact between Kingship and Episcopate.

Far transcending in importance these slight alterations in the details of the Church system was the politico-ecclesiastical alliance struck at this Conference between the Kingship and the Episcopate. Like the old understanding made in the fourth century between the Emperor Constantine and the Christian bishops (Intro., § 6), this new bargain was based on the giving of moral support by the clergy in return for the material support of the State machinery. The King rallied round him the wealthy and exclusive leaders of the two organisations of which he was head, the Church and the State, in defence of their vested interests, which were threatened by Puritan inquisitiveness into the foundations of the alleged Divine authority of Kings and Bishops (Intro., § 11).

"No Bishop, no King."

The mixed ecclesiastical and political motives of the King-Bishop compact are illustrated by an incident on the second day of the Conference. Reynolds, the chief Puritan spokesman, suggested that, with a view to the creation of such a "preaching ministry" as should stir up the people to a more active spiritual life, the theological debates called *Prophesyings* should be revived, and held frequently among the diocesan clergy (cf. vol. II., ch. viii., § 8), and that disputes at these Prophesyings should, in the last resort, be settled in an episcopal synod. The suggestion woke in James's mind the memory of what he had suffered in Scotland, where, as he said, he was "a king without state, without honour, without order, where beardless boys would brave me to the face."

"If you aim at a Scottish Presbytery," he burst out, "it agreeth as well with monarchy as God and the Devil. Then Jack and Tom and Will and Dick shall meet, and at their pleasures censure me and my Council, and all our proceedings. Stay, I pray, for one seven years, before you demand; and then if you find me grown pursy and fat I may, perchance, hearken unto you; for that government will keep me in breath, and give me work enough. . . . Dr. Reynolds, you have often spoken for my Supremacy, and it is well. . . . [A review of the Scots Reformation follows: whence he concludes] I thus apply it: my lords the bishops, I may thank you that these men plead thus for my Supremacy. They think they cannot make good their party against you, but by appealing to it. But I have learnt of what cut they have been: *if once you were out and they were in, I know what would become of my Supremacy; for* 'NO BISHOP, NO KING.'"

§ 8. The prospective result of the alliance between the King and the Bishops was the welding of the Puritan opposition to the Stuart use of the Royal Supremacy and the Parliamentary opposition to the Stuart use of the Royal Prerogative into the political Puritanism which had its years of triumph from 1645 to 1660. The first immediate result was the modification of some small points in the Prayer-Book. A few months later Convocation made the Canons of 1604, on the motion of Bancroft, the Bishop of London, who succeeded Whitgift in the Primacy in December, and who had been the first English bishop since the Reformation to maintain that the Episcopate was not merely an emanation of the Royal Supremacy, but was, like the Kingship itself, a Divine institution. The new Canons, 141 in number, amongst other things,

Bancroft's Canons of 1604.

i. affirmed that the Church of England was a true and Apostolic Church;

ii. excommunicated all who stigmatised anything in the Prayer-Book as superstitious;

iii. excommunicated all who asserted that the discipline and government of the Church under the King by archbishops, bishops, deans, archdeacons, etc., was anti-Christian or contrary to the Word of God.

These Canons, not having received the assent of Parliament, had no legal force over the laity, but as they had been made, as required by the *Statute of the Submission*, 1534 (vol. II., ch. iii., § 10), under the licence of the King, and had received his assent, they were binding on the clergy; and Bancroft proceeded, by means of the Court of High Commission set up under the Elizabethan *Act of Supremacy*, to enforce their subscription on all beneficed clergy. All but 300 subscribed, and they fled over-sea to find shelter amongst their fellow-Calvinists in Holland. There they were joined in 1607 by the members of John Robinson's Separatist congregation from Scrooby, Notts, who in 1620 formed the nucleus of the famous "Pilgrim Fathers" (ch. xvii., § 4).

The Ejection of the "Unconformable Clergy."

The Church dignitaries quickly showed their gratitude to the King for all this support in several ways. The Canons secretly drawn up by Convocation in 1606 anathematised in good set terms all political

The Authorised Version, 1611.

theories that referred the origin of all authority to the delegation of a free people which might revoke it and rebel if they pleased (cf. ch. ix., § 21). The clergy also put their thanks into words in the Dedication of that *Authorised Version* of the Bible which came out in 1611, and has ever since remained the most widely-read standard work in English literature. James—to whom it was mainly due that the project of a new translation was carried out—was likened to "the Sun in his strength," and was described as "caring for the Church as a most tender and loving nursing Father."*

Parliament I., Session i.: March 19—July 7, 1604.

§ 9. James did not find his first Parliament as easy to get on with as the Convocation which sat alongside of it or as the Conference of clergy which had preceded it. Owing partly to an unusually severe outbreak of the plague in London, Parliament was not assembled till well-nigh a year after his accession. The first of its five sessions, like most of the Parliamentary sittings in the reign, produced no sensational legislation. The Commons, however, thanks chiefly to the lawyers in the House, did much to make clear to James the relations which, in their opinion, ought to subsist between the English Crown and the three Estates. The Speaker, Sir Edward Philips, led off in this course of instruction, by defining those relations so far as regards legislation :—

"New laws could not be instituted, nor imperfect laws reformed, nor inconvenient laws abrogated, by any other power than that of the High Court of Parliament, that is by the agreement of the Commons, the accord of the Lords, and the assent of the Sovereign: that to the King belonged the right either negatively to frustrate, or affirmatively to ratify; but that he could not institute: every bill must pass the two Houses before it could be submitted to his pleasure."

The Commons' Money Grievances.

But mere legislation did not play such an important part in those days as we are wont to see it play; and greater consequence is to be attached to the fact that the Commons asserted their claim to point out what they considered faults in the Government, and vindicated some of those privileges without which

* This Dedication is still printed in many editions of the A.V., and may be contrasted with the plain and workmanlike prefaces to the R.V. which appeared 1881-4. For a glowing sketch of the influence of the Bible on seventeenth century thought see Green's *Short History*, ch. viii., § 1; or Frederic Harrison's *Oliver Cromwell*, ch. ii.

this power of inspection would have been valueless. The House complained of the royal practice of Purveyance—*i.e.*, the compulsory borrowing of the subjects' goods and chattels for the King's use; of the burdens which the King's feudal right of wardship brought upon tenants in chivalry (§ 17; ch. viii., § 6); and of the exorbitant prices which some of the great foreign trading companies charged for their goods under cover of their royal patents granting them a monopoly (§ 25). On the other hand, it supplemented the hereditary revenues of the Crown by the usual grant for life of Tunnage and Poundage (§§ 13, 14; ch. ii., §§ 9, 11).

§ 10. This power of petitioning against grievances, and this power of granting money would, however, have soon degenerated into mere matters of form (as they had already done in most of the Parliamentary assemblies of Europe (Intro., §§ 3, 4), if Parliament had quietly accepted the position into which James was already giving hints of an intention to thrust it. Parliament, especially the Commons, put forward a claim to be based, like the Kingship itself, on the Common Law. The assembling of Parliament was still left entirely to the King's discretion, and there was as yet no idea of insisting that Parliament ought to be held regularly (ctr., ch. iv., § 5; ch. viii., § 3; ch. ix., § 19); but already in this session of 1604 the House of Commons found it necessary to assert its old claim to decide upon the questions arising as to its own composition. The House successfully vindicated two of those means of self-protection which are technically known as *Privileges:* * in the case of Goodwin and Fortescue it

Vindication of the Commons' Privileges.

* For Parliamentary Privilege generally, see Hallam's *Constitutional History* (reff. in index), and Taswell-Langmead's *Constitutional History*, pp. 336-356 (in 4th edition): these treat the subject historically, while Anson's *Law and Custom of the Constitution* Pt. I., ch. v. and vi., explain analytically the present state of Privilege in the light of history. The leading facts in the cases before us are these:—

(*a*) *Goodwin and Fortescue.* Sir Francis Goodwin was elected for the county of Buckingham, but his return was set aside in Chancery on the grounds that he was an outlaw, and that the King, in his Proclamation summoning Parliament, had forbidden "bankrupts and outlaws" to be elected. Sir John Fortescue was elected by virtue of a second writ. The Commons denied that the Court of Chancery had any right to interfere, and asserted that they had always had the cognizance of cases of contested elections. James conceded the claim on condition that both Goodwin and Fortescue should be set aside and a new writ issued.

As a matter of fact, the King in Council had originally decided such cases: since 1868 they have been referred to Judges of the High Court.

(*b*) *Sir Thomas Shirley* was imprisoned for debt, and technical difficulties stood in the way of his release. These were swept away by 1 Jas. I. c. 13.

finally made good its claim to decide contested elections; and in the case of Sir Thomas Shirley it for the first time secured legislative sanction for the freedom of its members from arrest. The limits of the latter privilege were, however, a frequent occasion for dispute between the Stuarts and the Commons, as they have later been amongst the Commons themselves.

The Commons' Apology.

Finally, the Commons summed up their own opinion of themselves in a document curiously termed *A Form of Apology and Satisfaction to be delivered to His Majesty*. It is not a law, and it has no legal value; but the constitutional doctrines which it embodied were, for the most part, acknowledged in the course of the century. The following are its chief contents (cf. § 24):—

i. *Relations between King and Parliament:* The Commons' privileges are "of right and due inheritance," and not, as the King seems to fancy, "of grace only"; their House is a Court of Record, which, moreover, "gives laws to other courts, but from other courts receives neither laws nor orders"; and the Commons, not Chancery, is "the sole proper judge" of election-returns as to its membership.

ii. *Relations between Judges and Parliament:* "The Judges' opinion . . . ought not to bring any prejudice to this High Court of Parliament, whose power, being above the law, is not founded on the Common Law."

iii. *Religion:* "The King has no absolute power . . . to make any laws concerning religion otherwise than, as in temporal causes, by consent of Parliament."

iv. *The Conciliary Power:* "Let your Majesty be pleased to receive *public* information from your Commons in Parliament, as well of the abuses in the Church as in the Civil State and Government. . . . The voice of the people, *in things of their knowledge*, is said to be as the voice of God."

The Commons and the Supremacy.

§ 11. Whether the Commons ever actually "delivered unto His Majesty" this defence of their line of action or not, James took occasion to scold them severely when he prorogued them; and in a letter about that time he said he "would rather be a Hermit in a forest than be a King over such a people as the pack of Puritans are that overrules the Lower House." Yet the Commons were, like the four ministers at the Conference (§ 7), very moderate in their Puritanism: they only wanted things made a little easier for their brethren, and utterly repudiated all connection with schemes for remodelling Church-

government. "We have not come," they said, "in any Puritan or Brownist spirit, to introduce their parity or to work the subversion of the State ecclesiastical as it now stands." But, in their claims to inquire into Church abuses, and to propose ecclesiastical laws, they were implicitly trenching on the Royal Supremacy, as understood by James and his predecessors (cf. ch. ii., § 11).

James I. and the Romanists.

In one ecclesiastical matter, however, they seemed more in accord with James—in passing a fresh law against Jesuits. Yet herein he had greatly wavered. Expected to do something to relieve the co-religionists of his mother from the penalties to which, for political reasons, they had been gradually subjected under Elizabeth (vol. II., ch. viii., §§ 1-3 and reff.), he had yielded to the remonstrances of his English Council. In return for the Jesuits' information of the Bye Plot (§ 5), he had exercised his Suspending Power (ch. ix., §§ 3, 4; x., §§ 9, 10) for the remission of the recusancy fines—that is, the fine of £20 per month prescribed in 1581 for abstention from worship in the parish churches. James was, however, alarmed by the consequent falling off in the revenue, the increase of recusancy, and the fresh outburst of missionary work with a view to the conversion of England to Roman Catholicism. In February 1604 he banished Roman priests from London by Proclamation, and a few months later gave his assent to the Bill against Jesuits.

The Gunpowder Plot, 1605.

Meanwhile a handful of desperate Roman Catholics were setting on foot a scheme similar to those which had failed one after another in the time of Elizabeth: they were bent on securing, by force, not merely toleration for their religion, but its restoration throughout England. The conspirators were mostly country gentlemen, the leaders being Robert Catesby, the brothers Winter, and Sir Everard Digby; but the central deed was entrusted to Guy Fawkes, a York citizen who had acquired a soldier's coolness and a zealot's determination under the Spanish flag in Flanders. The design was ambitious: it was purposed not merely to remove the King, but to blow him up with his two sons, Henry and Charles, and the chief men of the realm, when he was in the House of Lords,

opening the second session of Parliament summoned to meet at Westminster in the autumn of 1605. His daughter Elizabeth (§ 18) was then to be declared Queen, and to be brought up as a Roman Catholic (cf. ch. ix., § 11).

"The Fifth of November."

At first an attempt was made to carry a mine from a private house near S. Stephen's, with a view to conveying the gunpowder required to a suitable position under the House; but later the very cellars of the House of Lords were secured by one of the conspirators, and filled with barrels of powder concealed by faggots. Lord Mounteagle received, probably from his brother-in-law, Tresham, a mysterious letter of warning not to attend the opening of Parliament—"for though there be no appearance of any stir, yet, I say, they will receive a terrible blow this Parliament, and yet they shall not see who hurts them"—and laid it before the Council. Inquiries were made, and on the eve of November 5, the day appointed, after several prorogations, for the assembling, Guy Fawkes was found in the vaults and arrested. The other conspirators fled, and made a futile stand at Holbeach by the Wash; a meeting of Romanist gentry arranged at Dunchurch in Warwickshire, to form the nucleus of a rising, was dispersed; and such of the conspirators as happened to escape death in the fighting were executed. The whole affair was a forlorn hope got up by a few odd Romanists, and fully displaying their weakness. But, quite naturally, the whole body of Roman Catholics were made to suffer for the fault of the few; and the "Gunpowder Treason" was added to "Bloody Mary" and "the Fires of Smithfield" as formatives in the average Englishman's conception of what is meant by Roman Catholicism, or (as he prefers to call it) "Popery."

Parl. I., Sess. ii.: Jan. 21—May 7, 1606.

§ 12. The first Act of the session of Parliament which was to have been blown up, and was actually delayed in meeting for nearly three months, by the Gunpowder Plot, ordered the observance of "the Fifth of November" as a national festival; and a special service was constructed for the occasion, which, like the special services of fasting for Charles I.'s execution and of thanksgiving for Charles II.'s restoration, remained part

of the legally prescribed work of the Church of England till 1859. The only other notable business of the session was the establishment of the rule that no Bill could be introduced twice in the same session, and some wrangling between both Houses and the King about his project of Scottish Union and money matters. This pair of topics had a connection of their own; for James's lavishness to his Scots favourites was, in point of fact, a main cause, and was popularly conceived as the only cause, of that royal poverty which produced the most trying constitutional tension of the reign. Thus Guy Fawkes, who was no Spanish renegade, but an Englishman belonging to a radical religious minority, had represented his plan as an effort "to blow the Scottish beggars back to their own hills."

The Scottish question was settled, so far as James could get Parliament to settle it, in the first Act of the third session—precisely a century before the *Act of Union* (ch. xv., §§ 6, 7); but that only repealed two centuries of hostile laws between the two kingdoms (since 1383). James had to forego even his hope of free trade between his realms, and to content himself with the results of this Act and of *Calvin's Case* (§ 4, *fin.*). During this session the Commons displayed great doggedness both in their Scottish antipathies and in the defence of their Privilege. On the other hand, two incidents showed prettily how very far the Commons were, as yet, from feeling any profound dissatisfaction with their constitutional position as it was under the Tudor system. The House received with meekness a severe snubbing from the Earl of Salisbury—as Cecil had been styled since 1605—for entertaining a merchants' petition for protection against the caprices of Spanish custom-house officials: to the Crown alone, he told them, did it appertain to manage our relations with other states. Similarly, also, the Commons entered no protest against a recent judicial decision—in *Bate's Case*—which James communicated to them; and yet that decision, being to the effect that certain taxation imposed by Prerogative was lawfully imposed, really cut the Commons' standing-ground right away from beneath their feet.

Parl. I., Sess. iii.: Nov. 18, 1606—July 4, 1607.

State Finances under James I.

§ 13. *Bate's Case* raised the chief material, as the Hampton Court Conference had raised the chief sentimental, question of the first Stuart struggle: it raised the question of governmental means as that had raised the question of ecclesiastical ends. The fact that, as yet, few saw the bearings of the case does not in the least affect its constitutional importance. Let us look into the financial situation.

It was the King's business to govern; and to meet the ordinary expenses both of his own household and of government—salaries, the navy, etc.—he had what was expected to be a sufficient ordinary income. This consisted of his hereditary revenues—the returns from the Crown's landed estates, the first-fruits and tenths of ecclesiastical benefices (since 1534), and various feudal incidents (§ 17)—and the Tunnage and Poundage, which, as had been the fashion since the time of Henry V., had been granted to James for life in the session of 1604. The royal balance-sheet, if there was any, looked at that time very different from the national budget of to-day—not merely in amount but also in proportion. To-day nearly eight-ninths of our expenditure goes to the National Debt, the Army, the Navy, and the Civil Service; and more than half the remaining ninth is spent in working the Post-Office and Telegraphs. Hardly any of these items figured in James I.'s accounts: the Post-Office was still in its puling infancy; there was no regular funded National Debt, and Elizabeth left few royal liabilities behind her; the annual cost of the Navy was well covered by the Tunnage and Poundage which, originally at least, had been expressly designed for the police of our seas; and both the military and the civil services were largely self-supporting. There was as yet—thanks to our insular position—no standing army in receipt of regular State pay; while the civil and judicial officials recouped themselves, for the most part, with fees, presents, and other "perquisites." As a rule, therefore, it was not unreasonable to expect the King to meet his ordinary expenses out of his ordinary income. Special expenses, incurred by special troubles within or without the realm, were met by Parliamentary grants: these, ever since the fourteenth century, had

usually taken the shape of "*Subsidies*"*—direct taxation more or less analogous to our Income Tax.

James's Poverty.

The fall in the value of money—while taxes were kept at their traditional nominal amounts—and the increase both in the cost of government and in royal requirements—which, unlike Elizabeth's, were extravagant (pp. 24, 36)—combined to make James chronically hard up.† He hated asking Parliament for more: it seemed to him beneath the dignity of a King so to do. Besides, Parliament, not understanding that his poverty was not altogether his fault, wanted to have something to show for its money, and seemed inclined rather to deal in constitutional concessions than loyally to bring gifts. Hence James's quest for new sources of revenue (§§ 14-16, 19, 23).

The "Impositions," 1605.

§ 14. The first of James's financial expedients was in the field of indirect taxation. Shortly after his first tussle with Parliament (§ 10), he ordered certain charges, over and above the sums authorised under the Tunnage and Poundage grant, to be laid upon various imports and exports: these charges were called *Impositions*. Thus he increased the statutory duty of twopence per pound on tobacco by 6*s.* 8*d.*—this by way of sequel to his pamphlet, *Counterblast to Tobacco*—and that of 2*s.* 6*d.* per cwt. on dried currants by another crown. Though the latter was only a continuation of an old charge authorised by the Levant Company (cf. vol. II., ch. xi., § 13) on outsiders trading within its district, John Bate, a Turkey merchant, refused to pay the extra customs-duty on the ground of its illegality.

The Case of John Bate, Merchant, 1607.

The question was brought before the judges in the Court of Exchequer early in 1607. The contention of Bate's counsel was that these Impositions were contrary to the various charters and statutes (esp. in 1297, 1340, 1362, and 1371) by which Edward I.

* *Subsidies* were general taxes on the income of all classes: these in the fourteenth century took the place of *Aids* (*Auxilia*) of the different kinds (*Scutage*, *Carucage*, *Tallage*) imposed on the various feudal classes. During the Tudor Period they became stereotyped—being fixed, on a low rating-basis, at 4*s.* in the pound for lands, and 2*s.* 8*d.* for goods. Those whose lands were not worth 20*s.* per annum, and those whose personal property was not worth 6*0s.*, were exempted. The normal lay subsidy amounted to £70,000, the clerical to £20,000.

† When Salisbury succeeded the Earl of Dorset—the Sackville who had been part-author of *Gorboduc*—as Treasurer in 1608, he found that the Royal debts totted up to £1,300,000, and that there was an annual deficit of £81,000.

and Edward III. had gradually been forced to abandon their claim to levy indirect, as they had already had to give up their claim to levy direct, taxes without consent of Parliament. The taxing of cloth imports by Mary, of sweet wines by Elizabeth—both by virtue of Prerogative alone—were not, Bate contended, precedents pointing to the legality of James's Impositions, but illegalities which were acquiesced in by two generations, not because they were lawful and right, but because they seemed trifles. The Court gave its decision in favour of the Crown; and the reasons for that decision, as put forward by Chief Baron Fleming and Baron Clark, are worth quoting:—

i. *The King's extraordinary absolute power.* "The King's power is twofold—ordinary and absolute: these have several [distinct] laws and ends. His *ordinary power* is for the profit of particular subjects, for the execution of civil justice in the ordinary courts, and is called by civilians *ius privatum*, with us 'common law': it cannot be changed in substance without Parliament. The King's *absolute power*, on the contrary, is applied not for the benefit of particular persons, but for the general benefit of the people, and is *salus populi*. This power is not directed by the rules of common law, but is properly termed policy or government, varying according to the wisdom of the King for the common good; and all things done within these rules are lawful. The matter in question is material matter of State, and ought to be governed, according to the rules of policy, by the King's extraordinary power."

ii. *The King's guardianship of the realm against foreign foes.* "All customs [duties], be they old or new, are the effects of foreign commerce; but commerce and all affairs with foreigners, war and peace and all treaties whatsoever, are made by the absolute power of the King: he therefore who has power over the cause has power over the effect. No exportation or importation can be but at the King's ports. But the seaports are the King's gates, which he may open or shut to whom he pleases" [cf. § 12; ch. ix., § 9].

iii. *Pre-parliamentary powers of the Crown are illimitable by Parliament.* No individual wearer of the crown could bind his successors to accept any diminution in its powers: the statutes restricting the Prerogative in the levying of customs, which existed before Parliament came into being, were therefore of none effect.

§ 15. Both the legal and the constitutional bearings of this decision, and of the grounds whereon it is based, are of high moment. And first for the legal. The judges, in whom was vested the constitutional right to decide all points of existing law, had in

i. Legal Bearings of *Bate's Case.*

due form declared the King's action legal; and no matter whether the decision was logically right or in principle just or no, the Impositions disputed were henceforth indisputably legal—until King and Parliament should both agree to alter the law. With the advice of Salisbury—who had just been made Treasurer—and under pretext of the cost of Irish operations (ch. xvi., § 2), James at once took advantage of the decision by augmenting the customs all round. In July 1608, after consultation with the chief merchants affected, a *Book of Rates* was issued under the Great Seal, fixing charges which were "to be for ever hereafter paid to the King and his successors under pain of his displeasure."

ii. Constitutional Bearings.

The constitutional bearings of the case concern something beyond the actual point at issue. Moderate Impositions were quite in accordance with recent practice, and might therefore fairly be considered constitutional; but, if the principles laid down by the judges came into general use, there was no apparent limit to the legal power of the Crown to levy indirect taxation without asking leave—and that was certainly not in accordance with the usual practice, or, in other words, was "unconstitutional." And the distinctions drawn by the Bench between the "ordinary" and the "absolute" powers of the Crown, and between ancient and recent prerogatives, were certainly dangerous, if pushed at all, to the accepted political system.

Position and Ideas of the Judges.

If we ask why the judges decided as they did, we find two sets of reasons possible; and probably both were at work. One set is based on their self-interest. The Crown was the "Fountain of Justice"; and James considered that the mere spouts through which the fountain gushed might be turned on, altered, or stopped at his pleasure. In other words, till the *Act of Settlement*, 1701 (ch. xiii., § 13), the judges held their office *durante placito*, at the King's pleasure; and when they did not please the King—if necessary by straining a point in his favour—they were liable to be dismissed, and under the Stuarts at least often were dismissed. It does not, however, follow that the judges were actuated solely by fear of giving offence—that they may be fitly described as "venal,"

"obsequious," or "subservient." For instance, Sir Edward Coke, Chief Justice of King's Bench, authoritatively set limits to the cherished prerogative of law-making in the *Case of Proclamations*, 1610 (§ 16, p. 42); and he successfully resisted the King's claim to interfere in person with the course of justice by sitting as judge in his own courts on the *Case of Prohibitions*, 1607, or by the giving of special directions to a judge in a particular suit, as in the *Case of Commendams*, 1616. In the case before us the judges may well have felt in all sincerity that need for strengthening the hands of authority which is apt to be strong upon lawyers, and that tendency to attribute most weight to recent precedents, as is the way with judges. They drew the line between the Crown's liberty of action and the subject's liberty of action somewhat more in favour of the Crown, than, as time went on, it has been found necessary to draw it. But then even apparently isolated cases of comparatively trivial contumacy would naturally seem more dangerous in days when there was no organised police force, with backing of regular troops on occasion, to maintain law and order (cf. ch. x., § 2).

§ 16. Salisbury's *Book of Rates*, and such worn-out expedients as the feudal aid which James levied in 1610 in honour of the elevation of his eldest son Henry, Duke of Rothesay, to the Princedom of Wales, both failed to meet the King's pecuniary necessities, and succeeded in annoying many good people. Accordingly, early in 1610—when the storm-clouds lowering over the Continent made it exceptionally necessary for the English Government to have funds in hand (§ 21)—James was again compelled to summon his Parliament. Though he took pains that vacancies in the Commons should be filled with members favourable to himself, he found them less inclined than ever to regard his doings with complaisance.

Parl. I., Sess. iv.: Feb. 9–July 23, 1610.

The House naturally took up with more earnestness the things which most interested the classes of which it was composed—that is, country gentlemen and lawyers.* The attack

* The House of Commons in 1604 is said to have been thus composed: 231 knights, 140 squires, 71 gentlemen (which category would include lawyers), 9 wholesale merchants, 1 mayor, 9 aldermen, 4 doctors of law, 1 sergeant-at-law. [Total 466.]

on the Impositions was led by lawyers like Yelverton, and was conducted from the position that they were contrary to the common and statute law: it was supported by the landed gentry because they feared that, if they allowed James to tap the merchants' property, they might next find him at their land. So too with the attack on the recent extensive use of Proclamations. The common-law theory of the limits of this Prerogative was in **1610** stated by Coke and three other judges in much the same terms as it had been by Mary's judges (vol. II., ch. xi., § 5, *fin.*): the King by Proclamation might warn people to keep the existing law, but could not change it or create a new offence punishable either in the ordinary law-courts or in the Star Chamber and its like. The gentry aided the lawyers here because they felt, in the words of a member's friend, that "*if the practice follow the positions* [taken up by the King's lawyers, like Cowell] we are not likely to make account of anything we have longer than they list that govern." In the protest against the recent aggressiveness of the High Commission Court, the lawyers, in the attempt to throw off their own feudal burdens, the gentry, naturally led the way (§ 17).

Grievances: Impositions, Proclamations, Feudal Incidents, etc.

The positions taken up by the Commons on these points —on all of which James received their remonstrances very civilly—are best defined in their own words (cf. §§ 10, 24):—

Commons' Comments, 1610.

i. *Assertion of Freedom of Debate:* "Which freedom being once foreclosed, the essence of the liberty of Parliament is withal dissolved."

ii. *The danger of the recent decision in Bate's Case:* "The reasons of that judgment may extend much farther—even to the utter ruin of the ancient liberty of this kingdom, and of the subjects' right of property in their lands and goods."

iii. *An Appeal to History in the matter of Taxation.*

iv. *Complaints about recent developments in Proclamations:*—

(1) *Practice:* "There is a general fear conceived and spread amongst your Majesty's people that Proclamations will by degrees grow up and increase to the strength and nature of laws; whereby not only that ancient happiness—freedom—will be much blemished (if not quite taken away), which our ancestors have so long enjoyed; but the same may also, in process of time, bring a new form of arbitrary government upon the realm."

(2) *Theory:* "And this our fear is the more increased by occasion of certain books lately published, which ascribe a greater power to Proclamations than heretofore hath been conceived to belong to them."

Cowell's *Interpreter.*

The reference in this last petition was not to the Canons of 1606 (§ 8), which were not published for many a long day, but to a recent work by a friend of Bancroft's. In his legal dictionary, intituled *The Interpreter* (1607), Dr. Cowell, Reader in Civil Law at Cambridge, had stated *s.v.* KING :—

"He is above the law by his absolute power; and though, for the better and equal course in making laws, he do admit the Three Estates unto council, yet this, in divers learned men's opinion, is not of constraint, but of his own benignity, or by reason of the promise made upon oath at the time of his coronation. And though at his coronation he take an oath not to alter the laws of the land, yet, this oath notwithstanding, he may alter or suspend any particular law that seemeth hurtful to the public estate. Thus much in short, because I have heard some to be of opinion that the laws are above the King."

Results of the Fourth Session.

§ 17. These representations of the Commons were not without result. True, nothing was done in the matter of the ecclesiastical courts; but the question had been raised. The King, by the mouth of Salisbury, made a vague acknowledgment that he "had no power to make laws of himself or to exact any subsidies *de iure*, without the consent of his three estates." He restricted the Liberty of the Press (ch. xiii., § 3) by suppressing *The Interpreter*. This he did at the instigation of the Commons, who, though now paraded as champions of liberty, proved themselves throughout the century to be just as ready to use crude methods of crushing opposition as were the Stuarts. In the Proclamation of suppression James took occasion to rebuke the current "itching in the tongues and pens of most men" even in such matters of the "deepest mysteries" and "inscrutable counsels" of God and of the "*Kings and Princes that are Gods upon earth.*" Further, in deference to the Commons' wishes and to the Judges' Opinion already mentioned (p. 42), he refrained for some years from imposing fines, etc., by Proclamation. The Bill which the Commons passed confirming some of the Impositions, but illegalising their future levying without consent of Parliament, was rejected by the House of Lords; and this question, like that of the feudal hardships, was still under discussion when Parliament adjourned in July 1610.

The Commons drew a distinction between the matter of feudal burdens and the other matters brought forward: the other things they considered to be abuses which were against the law, and ought to be abolished as such; but feudal charges, though vexatious, they allowed to be within the King's rights, and were prepared to pay a substantial sum for their remission. The arrangement, which was called the "Great Contract," required so much bargaining between Salisbury and the two Houses, that it had to be hung up till the fifth session, which was held in the autumn of 1610. The terms ultimately arrived at were that the King should surrender the lucrative incidents of tenure in chivalry (relief, primer seisin,* and wardship), and purveyance to boot, in return for a permanent annual Parliamentary grant of £200,000; and by a kind of appendix hereto the King was to withdraw about one-third of his Impositions, and acknowledge their future illegality, in return for a further £50,000 per annum. But the King had sentimental reasons against giving up any of his feudal prerogatives, and besides, did not think he was getting a good enough bargain. The Commons, too, found difficulties in settling the incidence of the taxation required; were afraid lest, with so large a permanent revenue, the King should be able to avoid summoning Parliament; and rather more than that, suspected that the King would, by virtue of his Prerogative, dispense himself from observing the statutory limitations of the same (cf. p. 43).

Parl. I., Session v.: October 16—December 6, 1610.

Salisbury's *Great Contract* was therefore dropped—practically for half a century (ch. viii., § 6). In December Parliament was adjourned, and in February 1611 it was dissolved. During its seven years' life it had effected little, but protested much; and its dissolution marks an open rupture between King and National Council. The Tudor co-operative despotism was at an end, and the King was thinking of setting up on his own account. The death of Salisbury, in May 1612, marks with equal distinctness the end—at least till Cromwell's day (ch. vii., § 3)—of the Elizabethan tradition in foreign policy.

Failure of the *Great Contract*, 1610.

* *Primer Seisin* was an aid paid by a tenant-in-chief (over and above the ordinary relief) on his first occupation of a fief. The other terms are explained, when the topic comes up again, in ch. viii., § 6.

CHAPTER I.: PART II.

JAMES I. UNDER SPANISH INFLUENCE.

May 1612—March 27, 1625.

§ 18. Death of Prince Henry, 1612, and Marriage of Elizabeth, 1613; James's Favourites, Robert Carr and George Villiers.—§ 19. A Decade of Financial Expedients, 1610—1620, before and after the Second, or "Addled," Parliament, April 5—June 7, 1614.—§ 20. The Year 1618: *The Five Articles of Perth; The Book of Sports;* the Synod of Dort; the Execution of Ralegh; the Outbreak of the Thirty Years' War.—§ 21. German Policy of England and France, 1603—1618.—§ 22. Frederick V., Elector Palatine, and the Bohemian War, 1618—1620; Alternative English Policies—Arbitration or War.—§ 23. The First Session of James's Third Parliament, January 30—June 4, 1621: Monopolies; Impeachment; Protestant Zeal.—§ 24. The Second Session of James's Third Parliament, November 20, 1621—February 8, 1622: the Commons' *Great Protestation*, December 18, 1621.—§ 25. The Loss of the Palatinates, 1621-2; Journey of Charles to Madrid, 1623.—§ 26. James's Fourth Parliament, February 19—May 29, 1624: Appropriation of Supplies; Impeachment of Lord Middlesex; and Abolition of Monopolies.—§ 27. Marriage Treaty with France, August 1624; Death of James, March 27, 1625.

Death of Prince Henry, November 6, 1612: Marriage of Lady Elizabeth, February 14, 1613.

§ 18. The Earl of Salisbury had kept England out of foreign entanglements, and though compelled, at a time when he was still far from secure in the new King's favour, to acquiesce in the peace made with Spain in 1604 (§ 5), he was able to check James's partiality for that country. James might almost have helped Spain to crush the Dutch "rebels": Salisbury played no small part in bringing about the twelve years' truce of 1609, which practically implied the independence of the United Provinces (p. 124, *n*). The marriage between James's daughter Elizabeth and Frederick V., Elector Palatine (§ 22), though it did not take place till the year after Salisbury's death, was largely his handiwork; and as Frederick was one of the chief Protestant princes of South Germany—in fact, the chief of the Calvinist party—the marriage was eminently popular in England (§ 23.) Quite the reverse was the Spanish marriage

which James had been some time negotiating for his son Henry. The young Prince of Wales died, however, at the age of eighteen, six months after Salisbury; and thus within a single year James lost two of his *entourage* who were most liked by his English subjects—Henry for his personal charm and character, Salisbury for his father and policy.

Those who obtained the ear of James after Salisbury's death were favourites rather than statesmen. These were in many cases pensioners of Spain, and encouraged him in a policy of friendship with that country: which policy, whether wise or foolish in itself, was a fatal addition to the several causes of estrangement between Crown and nation. The first of these favourites was not long in his heyday. The young Scotsman, Robert Carr, had been already created Viscount Rochester before Salisbury died, and was at the end of 1613 raised to the earldom of Somerset on his marriage with the divorced wife of the Earl of Essex. Early in 1615 it leaked out that the Countess, if not the Earl, had instigated the murder, by poison, of Sir Thomas Overbury, in the Tower, September 1613. Overbury, as an old friend of Carr's, had stood out against his intrigue and marriage, and had thus incurred the Countess's anger. In May 1616 the principals were convicted and imprisoned, their accomplices were hanged. The affair has several important aspects: the King's countenancing such conduct is illustrative of the exceptionally low social tone of his Court; the fact that the Countess was a Howard brought James into closer relations with the Romanists, and so added to his unpopularity; and the fall of Somerset—for, though pardoned, he was banished from the presence—left the way open for a new favourite.

Favourites:
i. Robert Carr, 1612—1616.

George Villiers, also a Scotsman, was made a Viscount within a few months after Somerset's conviction and banishment from Court, and was raised successively to the earldom (1617) and to the marquessate of Buckingham (1618). He was known in the royal family as "Steenie"; and became, as Hacket put it, "the pre-eminent pipe through which all graces flowing from the King were derived" (ch. ii., §§ 2, 4). Originally supported by the opponents of Spain against Somerset, he

ii. George Villiers, 1616—1628.

quickly became an ally of the Spanish ambassador Gondomar in the pursuit of a Spanish marriage for his friend "Baby Charles." We must now trace the financial and other difficulties which added fuel to the fire of James's zeal for that match (§§ 19, 25).

Financial Expedients, 1610–1614.

§ 19. Though Salisbury had reduced the royal debts, and the first Parliament in its last session had granted some supplies (§ 17), James was still short of money, and the new Treasurer, Suffolk (the head of the Howards), was unable to hit upon satisfactory new sources of income. Loans were gathered under the Privy Seal from the well-to-do; but men had to be so greatly importuned to lend money which bore no interest, and was not readily recoverable, that the loans were practically Forced Loans—and that meant small returns and much discontent. Honours and offices were sold: a few peerages went at £10,000 a-piece; and after 1611 a new fashion of hereditary knights, called Baronets, was invented (ch. xvi., § 3). Each of these latter had to pay £1080 a year for three years for his patent; but in six years only ninety-three were vended, and after a short time free baronetcies were instituted. Moreover, an old debt was recovered from the King of France, and Crown-lands were sold. None of these resources had any bottom in them; and some were encroachments on capital rather than legitimate income. In 1614 James was obliged to face another Parliament.

Parliament II., April 5—June 7, 1614.

James's second Parliament sat seven weeks and failed to hatch a single bill: so the humorists called it "Addled." Before James obtained from it the subsidy which he so badly needed, he dissolved it, because the Commons declined to proceed to the voting of subsidies until after they had had their growl at Impositions and other abuses—in technical language, they insisted that "*redress of grievances must precede supply*." James was particularly disappointed at this result because certain courtiers had undertaken—hence their name of *Undertakers*—so to manage the Parliament that there should be no repetition of the quarrel of the last session (§ 17). But rumours of this arrangement only annoyed the Commons; and its importance lies chiefly in its anticipation of the later

Parliamentary system of "Influence" (ch. viii., §§ 2, 3). The future of its methods was matched in importance by the future of two men who began their political career in the Addled Parliament—Sir Thomas Wentworth, of Yorkshire, and John Pym, of Somerset (ch. ii., § 10; ch. iv., § 1).

Financial Expedients, 1614—1620.

James infringed the Commons' Privilege of Liberty of Speech by punishing some of his more active opponents after the dissolution: four he sent to the Tower for a few months, five he confined to London, and four he dismissed from the Commission of the Peace (§ 23). Then he went about prospecting for means of existence, and contrived to get along without Parliamentary aid for nearly seven years (§ 23). The only regular supplement to his ordinary revenue, as swelled by the Impositions, was the heavy fines exacted by the Star Chamber. The systematic attempt of 1615 to raise a *Benevolence*—semi-compulsory gifts from all persons with means—broke down (cf. vol. II., ch. i., § 15). Moreover, the King came in for one or two windfalls. In 1615 he released to the Dutch—for £250,000, or one-third of his due—the cautionary towns which they had placed in Elizabeth's hands just thirty years before (vol. II., ch. ix., § 6). It was the hope of another such windfall, in the shape of a Spanish dowry, that induced James to press on negotiations for the marriage of his second son Charles to a Spanish princess (cf. p. 46). The Spanish insistence on toleration for English Romanists, however, caused the treaty to collapse in 1618 (§ 22).

James's Anti-Calvinism in Britain, 1618.

§ 20. The consequent withdrawal of the Spanish ambassador, Gondomar, was only one of the queer assortment of events which marked the year 1618. In that year James visited Scotland, and there forced the General Assembly of the Scottish Kirk to accept the *Five Articles of Perth*,* and so still further

* The *Five Articles of Perth* (which were not ratified by the Scottish Estates till 1621) were: (i) The Holy Communion to be received not sitting (as at a social meal) but kneeling; (ii) Holy Communion allowed in private houses; (iii) Private Baptism permitted; (iv) Episcopal Confirmation required to qualify for admission to Communion; (v) The five great Church holy-days (in honour of the Nativity, Crucifixion, Resurrection, and Ascension of Christ, and the down-coming of the Holy Ghost) to be observed. The first four articles were disliked as tending to swell the importance and authority of the minister (as priest) apart from the congregation: the fifth as tending to do honour to Christian, rather than Jewish, tradition—which last was "Scriptural." The *Sports* Declaration is reprinted in Gardiner's *Constitutional Documents of the Puritan Revolution*, pp. 31-35.

assimilate itself in ceremonial, as already in government, to the Anglican Church (ch. iii., § 7). On his return to England he issued a Proclamation, known as the *Book of Sports*, whereby he essayed to settle what kind of recreations were to be allowed on Sunday; and he decided that those who went to church in the morning might, nay should, spend the afternoon in dancing, archery, and jumping, but not in bowling, bear-baiting, and play-acting. Both of these steps—in taking which James was probably influenced in part by his chaplain, William Laud (ch. iii., §§ 5, 6)—were distasteful to the Puritan feeling of both his Scottish and his English subjects. They considered that the Christian Sunday was to be kept in the manner prescribed for the Jewish Sabbath or Saturday, and regarded Catholic ritual as a "Popish" abomination impeding the free worship of God.

James's Anti-Arminianism abroad, 1618.

While James was thus abandoning Calvinistic models at home, in the matter of clerical and lay conduct, abroad he was supporting pure Calvinism in creed. At any rate, he had sent representatives to the Dutch Synod of Dordrecht, or Dort, to vote with the majority in favour of the denunciation and suppression of the theological views of a Leyden professor whose Latinised name was Arminius. Arminianism was a protest against the fatalism of Calvin's teaching on the illimitability of God's will in the "fore-ordination" of whatever comes to pass, and the "pre-destination" of such as He should elect, and none other, to be "saved": it emphasised the need of works to illustrate faith, and the idea of a man "working out *his own* salvation." James soon began to accept the views against which he had thrown his weight at Dort; but for the present he was friendly disposed, in ecclesiastical as in lay affairs, to the party in power in the United Provinces. In 1619 he entered into a commercial treaty which was designed to restore amicable relations between the English and the Dutch East India Companies. The "Massacre of Amboyna," February 1624, soon illustrated its failure (ch. xvii., § 8).

Not only was James Arminian at home and Calvinistic abroad in 1618: he was also in the same breath vowing friendship to both Amsterdam and Madrid. His mission

to Dort pairs oddly with his execution of Sir Walter Ralegh. Released from the Tower (§ 5), Ralegh sailed in July 1617 to exploit a gold-mine which he believed himself to have discovered in Guayana in 1595. In the following July he returned home unsuccessful, and was, on October 29, sent to the block. Nominally he died under his fourteen-year-old sentence for treason: in point of fact his death was meant to be a cheap compliance with Gondomar's demands for satisfaction for the burning of the Spanish colony of St. Thomas by Ralegh's expedition. James believed that Ralegh's new-found popularity was as nothing compared with the necessity of a good understanding with Spain—especially as the long-gathering cloud of troubles was in this very year (1618) threatening to burst over Germany (Intro. § 10.)

Execution of Ralegh, October 29, 1618.

§ 21. The sixteenth-century Reformation, which had in England fallen under the control of the Crown and had helped to strengthen the central government, had in Germany fallen into the hands of local authorities and aggravated the political chaos of the country* (vol. II.; Intro., §§ 9, 11, 21, 27). The bulk of the German people had become Protestant, but its head, the Emperor, and many of the princes, had remained Roman Catholic. The consequent wars had in 1555 issued in the *Religious Peace of Augsburg*, which had laid down the principle *cuius regio eius religio*—that the only legal religion in each region should be that of its ruler. That settlement, flimsy though it seems, kept Germany free from open war for sixty-three years. But it satisfied neither the religious nor the worldly-minded. Few people then believed that more than one religious system could be "right" in God's sight, and each body strove to persuade or coerce others to accept its own system. In other words, Roman Catholics and Protestants—whether Lutheran or Calvinistic—were struggling for the mastery; and thanks largely to the missionary skill and religious earnestness of the Society of Jesus, the Protestants of South Germany were, for the most part, won back to Rome. Moreover, the dynastic

Political aspect of the German Reformation.

* Mr. Gardiner's *Thirty Years' War* (Longmans' "Epochs of Modern History" series) contains not only a useful ecclesiastical map of Germany, but also, in its first three chapters, a compact statement of its condition at this time, together with a close and clear account of the Bohemian section of the Thirty Years' War.

interests of the princely families were generally opposed to the settlement. A prince frequently wished to round off his dominions by seizing an adjacent "free city" or bishopric, or some heirless territory; and such a proceeding was more often than not either a direct infringement of the religious settlement, or, in the opinion of neighbours belonging to a different religious body, menacing to that settlement in the future.

Dealings of Henry IV. and James I. with Germany, 1603—1618.

In all such cases there was a danger of a local dispute broadening out into a general German, or even European, war. For instance, when in 1608 the Duke of Bavaria seized Donauwörth, the Protestant states formed a defensive *Union*, and thus promptly called into existence a counterbalancing Roman Catholic *League*. Two years later the disputed succession to Kleves, Jülich, and Berg, three duchies occupying an important strategic position on the lower Rhine, seemed to give Henry IV. of France his long-expected chance of striking a blow at the House of Austria. But the knife of the zealot Ravaillac put an end at once to Henry's life and to his coalition. During the troubled minority of Louis XIII. and the regency of the Queen Dowager, Marie de' Medici, France sought shelter under the protecting wing of Spain, and James I., the successor of Henry IV.'s "other self" Elizabeth, became the natural external ally of the German Protestants. His alliance with the Protestant Union in 1612, and the marriage of his daughter to the Palsgrave Frederick in the following year (§ 18), seemed to hold out promise that James would play the part for which he was cast. But James esteemed the full-blown royalty of Spain before all the princedoms of Europe: besides, he was rather less of a Protestant partisan, and rather more of an upholder of the *status quo*, than even his predecessor had been. Accordingly, when in 1618 his son-in-law began to take ambitious steps, James showed small inclination to walk by his side.

Frederick V. and the Bohemian Crown, 1618—1620.

§ 22. In 1618 the nobility of the semi-elective kingdom of Bohemia rebelled against the king whom they had accepted the year before, and invited the Elector Palatine (§ 18) to reign over them. Frederick V. acceded, and on August 26, 1619, was crowned

King of Bohemia. Two days later his ejected rival Ferdinand, Archduke of Styria and head of the Austrian Hapsburgs, was chosen to succeed his cousin Matthias on the throne of the Caesars (Table, p. 296). Ferdinand used his imperial power to recover his lost throne, and was able to secure the aid of the strongest and ablest prince of South Germany, Maximilian, Duke of Bavaria (1598—1651). In thus taking the side of the rival family of Hapsburg against the older branch of his own family, the Wittelsbachs (note, *infra*), Max the Catholic was mainly influenced by religious reasons. For Frederick V. had accepted Bohemia not only because that kingdom marched with his hereditary lands in the Upper Palatinate,* but also because he hoped by acquiring Bohemia to make Protestantism predominant in South Germany. The Lutheran princes of North Germany, however, looked askance on the rise of a strong and aggressive Calvinistic power, and gave it no support. On November 18, 1620, Frederick was utterly routed by the armies of Ferdinand and Maximilian at the White Hill without Prague, and fled the country. He had been, as prophesied, only a "winter-king."

England and the Bohemian War, 1620.

King James took up much the same line with regard to this international question as he was wont to adopt in his constitutional contest at home: he clung fast to his belief in the Divine Right of princes (§ 3). Ferdinand, to his mind, had an indefeasible hereditary right to Bohemia, as Frederick to his own territories. James therefore refused to countenance his son-in-law's attempt on Bohemia, but allowed Sir Horace Vere to garrison the fortresses of the Lower Palatinate with English volunteers. When at the end of 1620 the

* The Elector Palatine had two patches of territory:—

(i.) The *Lower Palatinate* (still called *Kur-pfalz*, or *Rhein-pfalz*), which then occupied the nether part of the Neckar Valley (now part of the Grand Duchy of Baden), and swung across the Rhine to meet the Rhine again down stream at Bingen, the capital being Heidelberg;

(ii.) The *Upper Palatinate* (still called *Oberpfalz*), which fills the valley of the River Naab, and lies just to the north of the northernmost point on the Danube, Regensburg. This now forms the N.E. part of the Kingdom of Bavaria.

The ruler of these several territories was, till 1623, one of the seven Electors who filled up vacancies in the Emperorship (Intro., § 7), and belonged to another and rival branch of the same family that held the Dukedom of Bavaria—the *Wittelsbachs* (see too p. 124, *n.* under iii.). The territories of these branches were peacefully reunited in 1777, and the joint *electoral duchy* was elevated into a *kingdom* by Napoleon in the *Treaty of Pressburg*, 1805.

Spanish general Spinola had occupied the greater part of that territory for Ferdinand, James summoned Parliament, after an interval of six years, to equip him with the means to take stronger measures if necessary. He hoped, however, to avoid going to war. His favourite motto was *Beati Pacifici*; and, imagining the parties chiefly concerned to have as much common sense as himself, he offered his mediation. Herein he looked for the support of Spain, which, through its Hapsburg rulers (ch. xiv., § 1), was as closely connected with Ferdinand as he himself was with Frederick. But Spain was intensely Roman Catholic, and owed the Palatinate many a grudge; and when in 1620 James again welcomed Gondomar to his court to renew the Anglo-Spanish marriage negotiations (§ 19, *fin.*) and busied himself with sporadic diplomatic missions he was wasting time. He was also exposing himself to fresh unpopularity. "The princes that serve the Pope," wrote one who arrogated to himself the style of *Tom Telltruth*, "send *arms*: you—that should fight the battle of the Lord—send *ambassadors*!" That was why James in 1621 issued a Proclamation to forbid speaking or writing about "Matters of State" (cf. § 24).

§ 23. James's third Parliament showed more sympathy with Tom Telltruth than with the King. During its first session it repaid James for his conciliatory Speech from the Throne by passing over almost in silence his treatment of the leading members of the Addled Parliament (§ 19), and by making an early grant of two subsidies (p. 38, *n.*) The Commons, however, insisted on looking into the financial and other branches of government; and though they said nothing against the Impositions (§§ 14-17), they renewed their complaint of 1601 against Monopolies (vol. II., ch. ix., § 13). They did not as yet assert the illegality of such an exercise of the Prerogative as the granting of exclusive rights of making, importing, or selling articles of commerce, but they contrived to scare one of the chief monopolists out of the country—Sir Giles Mompesson, who had obtained a patent for gold and silver thread but had used baser metal. The means adopted to attack Mompesson closely resembled those which the "Good Parliament" of 1376 had invented in order to

Parliament III., Session i.; Jan. 30—June 4, 1621.

get rid of a minister of the Crown whom it disliked—the method technically known as *impeachment* (p. 85, *n.*). In now reviving that practice—not only against Mompesson but also against Lord Chancellor Bacon, upon whom, at the Commons' instance, the Lords inflicted a heavy sentence for accepting bribes from suitors—the Commons were unconsciously paving the way for the modern doctrine of ministerial responsibility (ch. ix., § 13). Before they were adjourned to await the result of James's latest embassy, the Commons exhibited their Protestant zeal by a ferocious onslaught on Edward Floyd, a Roman Catholic barrister who had spoken disrespectfully of "goodman Palsgrave and goodwife Palsgrave," and by vowing to "spend their lives and fortunes in defence of their own religion and the Palatinate."

§ 24. When Parliament re-assembled five months later, its zeal was tempered by the necessity of finding the money. On being informed of the result of Lord Digby's fruitless mission to Ferdinand and Frederick, the Commons voted only a single subsidy, instead of the £900,000 demanded. At Coke's suggestion, they then proceeded to complain of the recent imprisonment of one of their leaders, Sir Edwin Sandys, and to advocate a Protestant marriage for Prince Charles as an antidote to the "growth of Popery." Some angry passages ensued between King and Commons: the former resented the offer of unsolicited advice from political amateurs on "matters beyond their reach or capacity," while the latter disputed James's conception of their privileges. On December 18, 1621, the Commons asserted, in a formal *Protestation* (cf. § 10):—

Parliament III., Session ii.: Nov. 20, 1621 – Feb. 8, 1622.

i. That the liberties and privileges of Parliament are "the ancient and undoubted birthright and inheritance of the subjects of England" [and not, as James had maintained, "derived from the grace and permission of his ancestors and himself"].

ii. "That the arduous and urgent affairs concerning the King, State, and defence of the realm, and of the Church of England, and the maintenance, making of laws, and redress of mischiefs and grievances, which daily happen within this realm, are proper subjects and matter of counsel and debate in Parliament."

iii. That in handling these businesses the Commons have *individually* liberty of speech and freedom from arrest, and *collectively* sole power to regulate the procedure, and the sole right to inform the King of the proceedings, of the House.

§ 25. James showed his heavy displeasure at this attitude by rending the *Protestation* out of the Commons' Journal Book with his own hand, by dissolving Parliament—though the subsidy had not been formally voted,—and by casting Coke, Pym, and other ringleaders into prison. Recognising, however, the unprecedented amount of interest now being taken in public affairs—resulting in the issue of a crowd of political pamphlets and in the appearance of the first English newspaper, the *Weekly News* (May 23, 1622)—he took care, in his Proclamation dissolving Parliament, to give his own version of what had occurred. But as he knew at least one thing more than his critics—that the war was not wholly a religious war—he did not take their counsels of warlike intervention. As a result, Frederick's troops were in October 1621 driven out of the Upper Palatinate, and in the following July from the Western Palatinate, and Frederick himself fled, a landless refugee, to The Hague. The hordes of mercenaries employed still went on fighting.

Expulsion of Frederick from the Palatinates, 1621–2.

James was sanguine enough to hope that Spain would join him in compelling Ferdinand to restore Frederick. In the spring of 1623, therefore, he sent his son Charles, in company with his friend Buckingham—who was created Duke while away—to Madrid to hatch a close offensive alliance out of a romantic wooing: but the difference of religion proved an insuperable difficulty. Besides, as the Spanish minister Olivares frankly said, "We have a maxim of State that the King of Spain never fight the Emperor" (ch. xiv., § 4).

Journey of Prince Charles to Madrid, 1623.

§ 26. In December 1623 Charles and Buckingham returned to England, and in anger at their failure urged the King to throw Spain over. After March 1624 England was virtually at war with that country. James's change of front won him immense popularity from all, and the largest supply of the reign (£300,000)* from his fourth Parliament. The

Parliament IV.: February 19—May 29, 1624.

* It consisted of three Subsidies and three Fifteenths. The former tax has already been explained (p. 38, *n.*): the latter was a tax on Movables—a kind that begins with the *Saladin Tithe*, 1188, and was now levied for almost the last time. The Subsidy expired in 1665; and the place of both was taken by indirect taxation. The customs-duty of 5 per cent. *ad valorem* upon certain imports became known soon after the Restoration as *the Old Subsidy* (ch. xiii., § 9).

Commons took many precautions that their money should be spent on the war alone. Part of the money—not nearly enough—was given to Frederick's old friend Count Ernest of Mansfeld; but by June 1625 cold, sickness, and privation had killed off the majority of the 12,000 Englishmen whom Mansfeld had taken up the Rhine to the rescue of the Palatinate. Besides getting their way in foreign policy, and reviving for a moment the practice of Appropriation of Supplies (ch. viii., § 3), the Commons in this session successfully impeached Lionel Cranfield, Earl of Middlesex, for malversation in his office of Lord Treasurer. When Charles and Buckingham favoured this attack on their old friend, James cannily warned them that "they would soon have their bellyful of impeachments." The Commons also secured the King's assent to a Bill declaring illegal grants of Monopoly to individuals, except "the true and first inventors of new manufactures." It is from the letters-patent granting monopolies in such cases that we derive our modern use of the word *patent*.

§ 27. Parliament was prorogued in May, and was not again assembled lest it should disapprove of the Anglo-French Marriage-Treaty, August 1624. Anglo-French Marriage-Treaty concluded in August 1624. That treaty provided that Prince Charles's wife should have control of her children's education up to the age of thirteen, and—despite a recent pledge given by James to Parliament—guaranteed a certain measure of toleration for English Romanists. In accordance with this treaty Charles married Louis XIII.'s sister, Henrietta Maria, on May 1, 1625.

But before that event—on March 27—James had succumbed to an attack of fever at his favourite residence, Theobalds in Hertfordshire. At home his lofty claims for the Kingship had provoked Parliament to put forth lofty counterclaims which his less yielding son would have to fight out. In international politics, despite his cleverness, he had cut a poor figure: as a lampoon of the time said, "'*Great Britain*' was of less account than *little England* had been under Elizabeth." It was in maritime discovery, and in commercial and colonial enterprise beyond the seas, that England did her best work during his reign. But that is another story (ch. xvii, §§ 1, 2).

Death of James, March 27, 1625.

CHAPTER II.

The First Three Parliaments of Charles I.

March 27, 1625—March 10, 1629.

§ 1. The French Marriage Alliance and Buckingham's War Schemes, 1625.—§ 2. Charles's First Parliament, June 18—August 12, 1625. —§ 3. Buckingham's Diplomatic and Naval Efforts of the Autumn of 1625 : *The Treaty of The Hague*, September; Wimbledon's Voyage to Cadiz, October—December.—§ 4. Charles's Second Parliament, February 6—June 15, 1626 : Impeachment of Buckingham.—§ 5. The Defeat of Christian IV. at Lutter, August 1626; Charles's Quarrel with France, leading to War in February 1627 ; Buckingham's Voyage to Ré, July—October 1629.—§ 6. Financial Expedients, 1626—1627 ; *the Five Knights' Case*, 1627.—§ 7. The First Session of Charles's Third Parliament, March 17—June 26, 1628 : the *Petition of Right*.—§ 8. The King's Attitude towards the *Petition*, May 28—June 7.—§ 9. The Question of Tunnage and Poundage, June 1628. —§ 10. The Interval between the Sessions : Promotion of Laud and Wentworth, July ; Assassination of Buckingham, August ; Fall of La Rochelle, October 1628.—§ 11. The Second Session of Charles's Third Parliament, January 20—March 10, 1629 : Arminianism and the Customs ; Scene in the House, March 2 ; Charles I. on the Situation.

Buckingham's Continental Doings, 1625.

§ 1. Charles I. came to the throne in his twenty-fifth year and in great difficulties. He was hampered by a character which was obstinate rather than resolute (ch. v., § 14), by an unpopular favourite, and by exceptionally troublesome foreign complications. To these obstacles in the way of smooth governmental courses he quickly added yet another—a Roman Catholic wife, Henrietta Maria of France (ch. i., § 27). This match—which was to prove a permanent cause of dissension not only during Charles's life but also during the life of his children, who followed their mother's creed (ch. ix., § 5)—was unsuccessful even at the outset. It was meant to be a pledge of joint Anglo-French action in Germany. But the rising of the French Huguenots and the declaration of independence by one of their strongholds,

La Rochelle, in January 1625, forced Richelieu to put his own house in order before he set about pulling down the House of Hapsburg—especially as that would practically be in the interests of the very Protestantism which was crippling his hand at home. The withdrawal of French support helped the expedition of Mansfeld to fail (p. 56). Meanwhile Charles had lent the French Government eight ships—seven pressed merchantmen and one royal warship—which were used against La Rochelle. Tidings both of Mansfeld's failure and of Charles's action in France leaked out by the time that Charles met his first Parliament, and heightened its fears, sown by his marriage, that he was no good Protestant. The King, however, full of Buckingham's plans for a Protestant war by land and sea against Spain and the Emperor, was sanguine of its support.

§ 2. On June 18 Parliament met, and the Commons, though they said little, showed some displeasure by voting but two subsidies, together with Tunnage and Poundage not on the usual life-grant but for one year only. The smallness of the grant and the breach of a constitutional practice of so long standing (ch. i., § 12) annoyed Charles considerably; but neither seem to have been deliberate slights. Charles, without waiting for the Commons' limited Tunnage and Poundage Bill to be passed through the Lords, adjourned the session to Oxford, so as to be out of the way of the plague that was then raging rather more than usual in London (cf. ch. i., § 9).

Parl. I.: (*a*) in London, June 18—Jy. 10.

After an adjournment of barely three weeks, Parliament re-assembled for a few days at Oxford early in August. Here the Commons animadverted on the fact that Dr. Montague had been appointed royal chaplain, despite his advocacy of Arminian, nay even Romish, doctrines and practices; induced Charles to promise to put into force—despite his pledges in the Anglo-French Marriage-treaty—the laws against Recusants; and showed their real cause of offence by declining to vote more money unless the King would choose counsellors in whom they could confide. A year before Charles had been egging on the Commons against his father's ministers (ch. i., § 26); but at this distrust of his friend Buckingham, he at once

Parl. I.: (*b*) at Oxford, August 1—12.

dissolved Parliament. He was thus left to meet a war-expenditure of £1,000,000 a year with nothing to supplement his hereditary revenues save subsidies of £140,000, and the customs, which, though unauthorised, he continued to collect.

Buckingham's Diplomacy and War, 1625—1626.

§ 3. Buckingham now set himself, by great exploits, to prove the baselessness of the Commons' distrust. Accordingly he went oversea, and in September negotiated the *Treaty of The Hague* with the United Provinces, by which they agreed to join Charles in subsidising his uncle, Christian IV. of Denmark, to strike a blow for Frederick, and in fitting out a naval expedition against Spain. The former plan was but the continuation of James I.'s endeavour to work up a European coalition against the Hapsburgs. Christian IV., on the strength of a promise (now ratified at The Hague) of £20,000 per month from England, had already invaded Lower Saxony in July, and was during the autumn lying in face of the army of the German Catholic League under Tilly, while his colleague Mansfeld was opposed by the Emperor's new general, the Bohemian Wallenstein or Waldstein (§ 5).

Wimbledon's Expedition to Cadiz, October—December 1625.

Now that Charles had quarrelled with Parliament, the promised money was hard to find, and in fact Christian received but one payment of £46,000. What money Charles could scrape together, both by normal means and by semi-compulsory loans, —gentlemen were asked for specific sums, and those who refused were reported to the Council—was wasted on Buckingham's pet project of an Anglo-Dutch expedition against Spain. This was quite an Elizabethan idea (vol. II., ch. ix., § 11). But the fleet of ninety ships sent out in October was, thanks to the embezzlement of Buckingham's own friends, ill-found; and the commander, Sir Edward Cecil, Lord Wimbledon, failed alike to seize the naval stores of Cadiz and to capture the Spanish treasure fleet (ctr. ch. vii., § 4). He returned in December, with ships unseaworthy and men sick and clamouring for pay.

Parl. II.: Feb. 6—June 15, 1626.

§ 4. On February 6, 1626, Charles met his second Parliament, which was all the more incensed by the double fact that foreknowledge of this last expedition had been withheld from its predecessor, and that

the expedition itself was a failure. Charles, like his father in similar circumstances (ch. i., § 19), attempted to manipulate the Commons. Sheriffs, being at that time returning-officers for both counties and boroughs, were thereby disqualified from being themselves returned; and so by appointing Coke, Sir Robert Phelips, Sir Thomas Wentworth, and others to be sheriffs, Charles deprived the Commons of some of their leaders. But others were forthcoming, and above them all towered Sir John Eliot. Under their guidance committees were appointed to consider respectively Privileges, Religion, and the State of the Kingdom.

Impeachment of Buckingham, April 22.

The Commons at once took in hand a vote of four subsidies and a life-grant of Tunnage and Poundage; but, asserting "the long custom of Parliaments to handle the matter of supply with the last of their businesses," turned aside to inquire into grievances, especially Buckingham. "I must let you know," Charles warned them, "that I will not allow any of my servants to be questioned among you, much less such as are of eminent place and near to me." None the less on April 22 they impeached Buckingham on thirteen trumped-up charges of corruption and illegal practices. In hope to obtain his formal Bill of Supply, Charles suffered the impeachment to proceed, and even released Eliot, one of the managers of the impeachment, from the prison to which he had been consigned (May 11) for calling Buckingham "Seianus," and thus implicitly likening the King to Tiberius. This complaisance proved fruitless, and on June 15 Charles dissolved his second Parliament. By imprisoning the Earl of Arundel, and withholding his hereditary writ of summons from the Earl of Bristol—the Lord Digby of 1621 (ch. i., § 24)—he had infringed the Privileges of the Lords, and thus offended the Upper House also (cf. ch. i., § 10 *n.* and reff.).

§ 5. "This is his last Parliament," men said gloomily.

Collapse of the Danish War, at Lutter, August 27, 1626.

A few months later, when there was talk in Council of another assembly, Charles observed that he "did abominate the name of Parliament." But the fact that he had obtained no supplies from his second Parliament, was a serious hindrance to him. He could not find his uncle's subsidy (§ 3); and

that was one considerable reason why Christian was utterly defeated by Tilly at Lutter in Brunswick (August 27, N.S.). Thus the Danish portion of the Thirty Years' War ended in the overrunning of North Germany by the Imperialists; and not till another four years were overpast did effective aid come to them—in the person of Gustav Adolf, "the Lion of the North." But in these later phases of the war the English State did not express the interest which the nation felt (ch. iii., § 1; ch. v., § 14, and p. 124 *n.*).

Causes of Quarrel with France.

Despite his experiences of the twin circumstances that he could not carry on war without Parliamentary aid, and could not secure that aid without concessions, Charles now engaged in war with France. He had been guilty of some double-dealing in the matter of the English ships which James had promised to lend to the French Government, and which had been turned against La Rochelle (§ 1); he had not carried out his marriage-engagement to suspend the action of the penal laws against Romanists; he had been found tampering with the revolted Huguenots; and he had failed to punish his subjects who had recently seized French ships carrying war-material to Spain. The dismissal of the French household of his wife in July 1626 was rather a sign than a cause of the tension which it increased; and early in 1627 open war was declared between England and France. It was expected to be popular. It was represented as a Protestant war, and help was accordingly promised to the Rochellese. But as a matter of fact their rebellion had been a severe blow against the cause of their co-religionists in Germany. In order to have his hands free for action at home, Richelieu was obliged not only to abstain for the present (ch. iii., § 1) from interference with the Empire, but also to make peace with Spain (March 1626).

Buckingham's Voyage to Ré, July—October 1627.

Unpopular in origin, the Anglo-French war became yet more unpopular by its unsuccess. In June 1627 Buckingham sailed off in command of some 100 vessels and 7,000 men—he was Lord High Admiral—to La Rochelle. As he was not sufficiently trusted by the townsfolk to be allowed to enter the place, he debarked his troops on the Isle of Ré

hard by, and there sat watching his men killed off by sickness, until in October he felt it was time to return home. Englishmen said that Ré should have been called "Rue."

Forced Loan, etc., 1626.

§ 6. The war was unpopular also by reason of the financial and other expedients employed to keep it going. Attempts were successively made to levy the half-granted subsidies (§ 4), and to obtain free presents on a similar scale. The laws which forbade the exaction of compulsory gifts said nothing against compulsory loans; and accordingly—though some of the judges declared against the legality of the method (for which Chief-Justice Crewe lost his office)—the sums which men would have paid under the Subsidy Bill were now demanded under the pretence of being temporary accommodations. Those who resisted were punished in various ways. Some were made to give in kind what they would not give in cash: the poorer folk were impressed as sailors; merchants found their ships taken for naval purposes; and the richer gentry and burgesses were compelled to lodge and board the soldiers before and after the voyage to Ré. Moreover, the summary methods (known as martial law) of keeping discipline among the soldiers were, quite unconstitutionally, applied to ordinary civilians (cf. vol. II., ch. xi., § 4). Other refractory persons were haled before the Council or committed to prison.

The Five Knights', or *Darnel's Case*, 1627.

Amongst the gentlemen thus arrested were five knights, Darnel, Corbet, Heveningham, Earl, and Hampden —Sir Edmund, not John of later fame (ch. iii., § 4, etc.) They each demanded a writ of *Habeas Corpus*, *i.e.*, asked the Court of King's Bench to issue a written order bidding their gaoler "produce his body" in court, to the end that it might be seen whether they were legally detained in custody. The writ was issued, and it was found that the warrants of commitment ordered Darnel and his friends to be arrested "by authority of the Council at the special command of the King." A double question then arose as to whether such a cause was sufficient either for their original arrest or for their continued detention. The counsel for the defendants, Selden, Noy, etc., laid

little stress on the former point, but insisted strongly that it was altogether contrary both to the statutes and to the precedents bearing on this question of "the Liberty of the Subject" that any Englishman should be kept in prison without being charged with some definite offence that could be investigated, as *Magna Carta* prescribed, "by the judgment of his peers and the law of the land." Heath, Attorney-General, urged on the other hand that the King, as the preserver of order, must have special powers of arrest and detention in the interest of the common safety, and that he must be left free to decide when such special powers should be used. The judges practically accepted this position by remanding the five knights to prison, though they forbore from laying down any such general rules as most countries, except England, have found it necessary to adopt in the interests of the Government.*

Parl. III., Sess. i., March 17—June 26, 1628.

§ 7. These knights and all others who were engaoled for declining to pay their quota of the Forced Loan were released just before Charles's third Parliament assembled in March 1628 to relieve his impecuniosity. Amongst them were Sir Thomas Wentworth and Sir John Eliot, who at once took the lead in what Whitelocke calls "a great, warm, and ruffling Parliament." The Commons brought in a bill to grant five subsidies, and then, leaving on one side for the present all attacks on Buckingham and his latest foreign fiasco (§ 5), appointed a Committee of Grievances to consider the recent actions of the Crown in respect of "the Liberty of the Subject in Person or Estate."

The Petition of Right, 1628.

Wentworth's Bill declaring illegal several of the measures enumerated in the last section fell through; and the lawyers Coke, Selden, etc., advised that a document should be drawn up by which Charles should both acknowledge that he had already violated the laws and promise never to do it again. After nearly two months' debate and conference between the Houses, Parliament agreed to *the Petition of Right*, which, after a preamble

* For a general consideration of this matter, both historically and theoretically, see Professor Dicey's *Law of the Constitution*, ch. v., on "the Right to Personal Freedom," and ch. iv., xii., on "the Rule of Law." For later developments under the Stuarts, see below, ch. ix., § 15, & reff.

stating what Charles had done and what laws he had thereby infringed, took up the following positions :—

i. TAXATION IN MONEY.—"That no man hereafter be compelled to make or yield any gift, loan, benevolence, tax, or such like charge, without common consent by Act of Parliament; and that none be called upon to make answer, or take such oath, or to give attendance, or be confined, or otherwise molested or disquieted concerning the same, or for refusal thereof." [Held to be contrary to the so-called *Statutum de Tallagio non concedendo* (1297), to a statute of 25 Edw. III. (1351), and to "other the good laws and statutes of this realm."]

ii. LIBERTY OF THE SUBJECT.—"That no freeman, in any such manner as is before mentioned, . . . be imprisoned or detained"—*i.e.*, as explained in the preamble,—"without being brought to answer by due process of law," or "without cause showed," or "without being charged with anything to which they might make answer according to law." [Held to infringe "the Great Charter of the Liberties of England," and 28 Edw. III. c. 3 (1354).]

iii. TAXATION IN KIND.—"That your Majesty will be pleased to remove the said soldiers and mariners, and that your people may not be so burdened in time to come." [Held to be "against the laws and customs of this realm and to the great and grievous vexation of the people."]

iv. EXTRA-LEGAL PROCEDURE IN TRIALS.—"That the foresaid commissions for proceeding by martial law may be revoked and annulled; and that hereafter no commissions of like nature may issue forth to any person or persons whatsoever, to be executed as aforesaid, lest by colour of them any of your Majesty's subjects be destroyed or put to death, contrary to the laws and franchise of the land." ["Such summary course and order as is . . . used in armies in time of war" being held contrary to 25 Edw. III. c. 9, when applied "within the land" even against "such soldiers, mariners, or other dissolute persons joining with them, as should commit any murder, robbery, felony, mutiny, or any other outrage and misdemeanour."]

The King's Three Questions to the Judges.

§ 8. This petition was "exhibited" to the King on May 28, and caused him no little distress. Charles clung fast to the exceptional powers of arrest as essential to both the welfare of the State and the maintenance of his Prerogative (cf. ch. x., § 2). To stave off the Petition he had offered a simple confirmation of the Charters; but, as Coke said, "general words were no sufficient satisfaction for general grievances." He had caused the insertion by the Lords of a clause in the preamble "leaving entire that sovereign power wherewith your Majesty is entrusted for the protection of your people"; but this clause was cut out by the Commons,

when John Pym, Coke, and others pointed out that the *salvo* conceded the whole point at issue. The new phrase "*sovereign power*" in particular excited suspicion. "All our petition is for the *laws* of England," said Pym: "this power seems to be another power distinct from that of the law." When finally the Petition reached Charles, he at once consulted the judges as to its probable effect on his Prerogative. After receiving two cautiously worded opinions that, despite "the general rule of law," in certain cases persons might be committed, or "if the case requireth secrecy," might even be detained "for a convenient time," he asked point-blank the precise limitations involved in the terms of the Petition. He obtained the shrewd reply that "every law, after it is made, hath its exposition."

Charles finally assents to the *Petition of Right*, June 7, 1628.

Despite this assurance and hint of judicial compliance, Charles still had his doubts: not till June 2 did he give his assent, and then only in a long and equivocal form, which amounted to little more than a general promise such as had already been declined with thanks. Finally, on June 7, he gave his assent in the constitutional form: *Soit droit fait comme est desiré.* Charles had now recognised in his own person definite limitations on the Prerogative, and was at once rewarded with the promised five subsidies (£350,000). The Petition was well worth the money: it was the first statutory limitation of the Crown for a couple of centuries.

The Question of Tunnage and Poundage, June 1628.

§ 9. While awaiting Charles's answer to their Petition, the Commons had impeached one of the King's clerical *protégés*, Dr. Roger Mainwaring, for anathematising those who refused to pay taxes and loans imposed by Prerogative as "guilty of impiety, disloyalty, and rebellion." Condemned by the Lords, he was pardoned and promoted by the King. In spite of this slap in the face, and their continued regard of Buckingham as their "grievance of grievances"—as Eliot had lately called him—the Commons still wished Charles to enjoy all his constitutional revenues—but in a constitutional way. Finding that he would not accept a grant of Tunnage and Poundage for one year only, and that he purposed to go on levying them as before, they

raised a protest that such a course of action would be "contrary to your Majesty's royal answer to the *Petition of Right*." Charles stigmatised this as a "false construction"; and it certainly does seem to have been an after-thought. The Customs were not named in the Petition; it was quite open to doubt whether they technically fell under the head "tax or such like charge" (§ 7, *sub.* i.); and they were not named in the bogus statute *De Tallagio non Concedendo*, which the Commons had cited, in seemingly deliberate preference to the genuine statute of 1297, *Confirmatio Cartarum*, in which they were named. On June 25 Charles prorogued Parliament.

§ 10. The interval between the two sessions of this third Parliament was full of incident. A second expedition had been sent out to relieve La Rochelle in May—during the debates on the *Petition of Right*: doubtless it was also intended to stimulate the Commons' loyalty. It failed in both its objects; and men ascribed its failure to the fact that its commander, Lord Denbigh, was Buckingham's brother-in-law. A third attempt was at once put in hand with the moneys received from Parliament, and Buckingham went down to Portsmouth to superintend the preparations. He was there assassinated on August 23 by John Felton, who thought it well by a single stab to end the career of one whom he regarded as both his own private enemy and an enemy to God and the English people.

Assassination of Buckingham, August 23, 1628.

But already in the previous month Charles had given promotion to two men who were to prove infinitely finer fellows than Buckingham, and were, like him, to die for their devotion to Charles and his ideas. In July William Laud, to whom the Commons had already shown a dislike (cf. ch. i., § 20), was translated from the see of Bath and Wells to that of London, and Sir Thomas Wentworth, hitherto a great Parliamentary leader, was created Baron, and entered the King's service (cf. ch. iii., § 5). In December Laud's hand was seen in the issue of a Royal Declaration bidding men refrain their tongue from religious controversy, and Wentworth, now a Viscount, was given a chance of showing his quality as ruler by being made President of the Council of the North (cf. vol. II., ch. iv., § 6).

Promotion of Laud and Wentworth, July 1628.

Meanwhile the third expedition to La Rochelle had, within the compass of the single month of September, sailed and failed. Lord Lindsey could put no heart into his men; and his captains took precious care of their ships that had been pressed into the royal service. He could not pierce the mole which Richelieu had caused to be built across the bay; and early in October the starving Rochellese, blockaded both by land and sea, capitulated. Hereupon the Huguenots were deprived of the political privileges which gave them a position of semi-independence, and were left with no security but the royal word for religious toleration. That promise, though cracked, was not utterly knapped asunder till 1685 (ch. xi., § 1). But to Englishmen the fall of La Rochelle in 1628 seemed to be of a piece with the rout of Lutter in 1626—nothing more or less than a deadly blow at Protestantism.

Third Expedition to La Rochelle, September 1628.

§ 11. This peril of Protestantism abroad seemed brought nearer home by Charles's ecclesiastical proceedings, and gave its prevailing colour to the second session of Charles's third Parliament. Towards the end of February the Commons' Sub-Committee drew up certain *Resolutions on Religion*, which summed up at length the dangers in which they held "the true religion" to be, whence they arose, and how they were to be met. "Popish and Arminian innovations" were the burden of their plaints (ch. iii., §§ 5, 6): the manner of their making implicitly challenged the claim made by the King in his recent Declaration (p. 66) that the regulation of ecclesiastical affairs was vested in himself, as Supreme Governor of the Church of England, and the clergy in their Convocation.*

Parliament III., Session ii.: January 20—March 10, 1629.

(*a*) Religion.

Meanwhile the Commons were discussing their other grievances very outspokenly — especially the Customs. Several merchants had been distrained upon for refusing to pay the dues demanded, and

(*b*) Tunnage and Poundage.

* For the constitution of Convocation, see vol. II., p. 121 *n*. The Commons *Resolutions on Religion*, above referred to, are printed in Mr. Gardiner's *Constitutional Documents*, pp. 11—16, and are there followed (pp. 17—31) by the *Causes of the Late Dissolution* mentioned below (p. 68). Charles's conception of his Supremacy may be partly grasped by reading the document above mentioned: it is still prefixed to the "Thirty-Nine Articles of Religion," which are usually printed as an Appendix to the *Book of Common Prayer*.

had failed to obtain redress from the ordinary law-courts, which showed a proper deference to the judgment in *Bate's Case* (ch. i., § 14). Amongst them was Henry Rolle, M.P. Some contention arose whether his case should be treated as an affair of Parliamentary Privilege, or on the general ground that all such unauthorised levies were illegal. Pym took the broader view (cf. ch. iv., § 1), Eliot the narrower; and the latter prevailed. Difficulties, however, arose as to the Commons' right to examine officials; and in hope to settle the affair privately Charles ordered an adjournment.

Scene in the House, March 2, 1629.

When business was resumed, on March 2, Eliot got on his legs to speak, but was stopped by the Speaker, Sir John Finch, who, alleging the King's express orders, put the motion of adjournment. Despite the preponderance of "Noes!" the Speaker essayed to leave the chair, but was forcibly held down therein by Denzil Holles and Valentine, while Eliot read out three resolutions. Their purport was to brand any who should bring in innovations of religion, and any who should advise or pay Tunnage and Poundage, "not being granted by Parliament," as "a capital enemy to the Kingdom and Commonwealth." The Speaker remained obdurate, but Strode asked members to show by standing up that they wished to hear the resolutions, and Holles informally put them, and declared them carried before the House broke up.

Charles I. on the Situation, 1629.

On March 10 Charles dissolved Parliament by a Proclamation in which he set forth at length what had happened: the Commons had been trying, he rightly averred, "to erect an universal, overswaying power, which belongs only to us and not to them." He was now convinced that he had given Parliaments a fair trial: he had found them wanting, and was determined to have nothing more to do with them. By what seemed to him either iniquitous or peddling objections to his methods of government, they had done their best to prevent the government being carried on at all. His subjects must obey or go elsewhere. Many malcontents migrated. The colony of Massachusetts was founded in this year, 1629; and during the next eleven years the tide of Puritan emigration set strongly towards New England (ch. xvii., § 4).

CHAPTER III.

ELEVEN YEARS OF UNPARLIAMENTARY GOVERNMENT.

March 10, 1629—November 3, 1640.

§ 1. Charles I.'s Foreign Models and Foreign Policy, 1629—1640.—§ 2. The Punishment of Eliot, Holles, and Valentine, 1630; Finance and Religion.—§ 3. Various Direct and Indirect Methods of Money-raising, 1629—1640.—§ 4. The Four Writs of Ship-Money, 1634—1639; The Judges' Opinion, 1637; *Hampden's Case*, 1637—1638.—§ 5. Governmental Ideas of Laud and Wentworth; Objects of Laud as Archbishop of Canterbury, 1633 foll.—§ 6. Objections to Laud's Ecclesiastical Policy: Methods, Popery, and Innovation.—§ 7. Dealings of James VI. and Charles I. with the Scottish Kirk: the Attempt to set up an Episcopate and an Anglican Liturgy, 1599—1637.—§ 8. *The Scottish National Covenant*, February 1638; the First Bishops' War, March—June 1639.—§ 9. Charles's Fourth, or "Short," English Parliament, April 13—May 5.—§ 10. Second Bishops' War, July—October; the Great Council of York, September, 1640.

Charles and his Foreign Models, 1629—1640.

§ 1. Charles was "ashamed that his cousins of France and Spain should have accomplished a work which he had scarcely begun." That work was the actual establishment of an absolute monarchy such as he and his father had long been talking about, with powers of Justice, Taxation, and Administration, all untrammelled by Parliament, and, if possible, with the support of a standing army (cf. § 10). France, in the able hands of Richelieu, was putting the finishing touches to this work; Spain seemed to have completed it; and even the Emperor Ferdinand seemed, in 1629, to be completely master of Germany. Charles mistook his models. He followed the Hapsburg method of disregarding the possibilities of national and religious resistance, rather than Richelieu's combination of strength with conciliation. Richelieu respected the feelings of a religious minority: Charles and Ferdinand defied the feelings of a religious majority. In 1640 even Spain, where there was no religious question, was falling to pieces under military and financial

oppression—Catalonia was in arms, and Portugal declared its independence (Table, p. 182; cf. vol. II., ch. ix., § 2); and by that time the Emperor had discovered the impossibility of imposing Roman Catholicism on all Germany, and Charles had at least learnt the difficulty of imposing Laudian Catholicism on all Britain (§§ 5—8).

Charles I.'s Foreign Relations, 1629—1640.

Charles apparently gathered from the experiences of the Buckingham *régime* that he could not at the same time pose as an Absolute King at home and as a Continental Power. If Parliament was to be eliminated from the Constitution, economy was necessary, and economy implied peace. Accordingly, under the now dominant influence of his careful Lord Treasurer, Weston, he made peace with France in April 1630, and with Spain in the following November. A policy of non-intervention was kept up after Weston, now Earl of Portland, and a Roman Catholic, died in 1635. Charles did, it is true, put in an occasional word in favour of his nephew Charles Louis, who succeeded to his father's claims on the death of Frederick V. in 1632 (Table, p. 252): twice at least—in 1631 and 1634—he re-entered into negotiations with Spain for a restitution of the Palatinate, on the basis of a partition of the United Netherlands (cf. ch. viii., § 12); for the same object he had some dealings with Gustav Adolf, and, after the Swede's death, with Richelieu. But on the whole he was, and was accounted, a cipher in Continental diplomatics; and he took no active part either in the brilliant campaigns of the Swedish King (1630—1632), or in the open war which broke out in 1635 between France and Spain.

§ 2. In home affairs Charles I.'s years of "Personal Rule" take their real start from the Parliamentary disturbance of March 2, 1629 (ch. ii., § 11). To begin with, the principal actors were sharply punished. Amongst the members of the Commons imprisoned for their share in the scene were the ringleaders Eliot, Holles, and Valentine. Being brought up before the Court of King's Bench on a charge of riot and sedition, they declined to plead on the characteristic ground that for acts committed within the House they were accountable to the House alone. In February 1630 the judges, holding that

Punishment of Eliot, Holles, Valentine, etc.

"Freedom of Speech" does not properly cover acts of riot and sedition, sentenced all three to fines and imprisonment. At the Commons' request the Lords reversed this judgment in 1667, and thus vindicated Eliot's conception of the Parliamentary Privilege (cf. ch. viii., § 7); but meanwhile the judgment had effect. Though the other members were liberated, Holles and Valentine remained in prison till the assembling of the Short Parliament in 1640 (§ 9), and Eliot died of consumption in the Tower in November 1632.

Finance and Justice.

The topics raised in the same noisy sitting—Finance and Religion—are also the chief home topics of these years. Charles's financial methods gave all men a motive for supporting an opposition the programme of which was supplied by his religious policy. He had his hereditary revenues (ch. i., § 13); and these, when supplemented by the Customs—which, owing to the increase of trade, were going up by leaps and bounds—were ample for ordinary requirements, if used with care. But even before, and still more after, Weston's death, such care was lacking: a large percentage of the moneys raised was intercepted by various officials on its way to the Exchequer, and the portion which reached the King's hands was often wasted on the extravagant fancies of Henrietta Maria and her courtiers. The other means devised to raise money were at once questionable and vexatious. The point of legality, when raised, was usually decided by the judges in the King's favour (cf. ch. i., § 15): for Charles was very far from being disposed to be a lawbreaker, though he might like "to wrest the law to his authority."

§ 3. Some of the financial methods were discovered in the rubbish-heap of antiquity, some were altogether novel. The former class consisted in exacting fines or compositions for the infringement of laws which in the course of time had gone out of observance without being formally repealed. For instance, Edward I. had, for military purposes, required all tenants in chivalry holding land of £20 annual value—a limit since raised to £40—to take up their knighthood or purchase leave to forego that honour: this requirement—though changes in the art of war made it useless—had been

i. Statutory Exactions on the Gentry: Distraint of Knighthood and Disafforestment.

revived in 1626, and was after 1629 widely enforced. Again, commissioners were sent round to exact conformity to the exceptional laws, and submission to the exceptional courts, which the Norman and Angevin kings had established for the better preservation of the Forests; and to regain the shelter of the Common Law and its courts money had to be paid. These exactions fell on the gentry. A somewhat similar, but partial, enforcement of an almost obsolete law of 1570—that no cottage should be built with less than four acres attached—fell on the poorer rural population.

ii. Proclamational Exactions on the Well-to-do generally.

Large fines were frequently imposed on the well-to-do generally for alleged acts of insubordination: if the acts were contrary to statute-law the ordinary law-courts, if contrary to Proclamations (ch. i., § 16) the Star Chamber, would look to it. In the latter category, fell the fines imposed on the City of London for omitting to investigate fully the causes of the murder of Buckingham's friend, Dr. Lamb, in June 1628, or for failing to observe the terms of its occupancy of Derry (ch. xvi., § 3); on various builders for erecting more houses, without a licence, in and about London; and on various gentlemen for hanging about town instead of residing on their country estates.

iii. Indirect Taxation.

Several old-fashioned methods of indirect taxation by Prerogative were also in use. The Customs were, as before, regularly demanded, and were, for the most part, quickly paid. Patents of monopolies—even in common things like corn, soap, and salt—were also granted—to companies, not to individuals, thus evading the letter of the Act of 1624 (ch. i., § 26). But the Government took no pains to keep up the quality of the articles sold under these patents, and so incurred much ill-feeling, especially in London and the port-towns.

§ 4. But the typical tax of the period was Ship-Money—

iv. Ship-Money: the First and Second Writs, 1634—1635.

a resuscitation of the old English *Ship-geld*. Late in 1634 writs were issued to the seaports requiring them to supply, equip, man, and maintain for a stated period, a certain number of ships for the protection of the fisheries against the Dutch, for the safeguarding of the shores against Barbary corsairs

and other pirates, etc., and especially to bring the navy up to the level of the Dutch and French fleets (cf. ch. ix., § 3). These writs were drawn up by Attorney-General Noy, who carefully followed old precedents, and were met with general though reluctant obedience. There were, as usual, sufficient grounds for this particular "naval scare" to make well-disposed men shrink from an opposition which might well seem unpatriotic and sheerly cantankerous. In the following year writs were again sent out, and this time—now that lawyer Noy was dead—to the inland towns and counties also. This extension of scope was an innovation in itself, and involved the further innovation—however reasonable it might be that the general weal should be preserved at a general charge—that the demand was made no longer for personal service but for solid cash. It thus became a general direct tax, levied without consent of Parliament, and therefore contrary to the intention, one might almost say to the actual wording, of the *Petition of Right* (ch. ii., § 7).

Finch and nine other judges, however, said it was all right in November 1635; and in the following year a third levy was made. A fourth writ was issued in 1637 on the strength of a formal opinion which in February 1637 the King obtained from the whole Judicial Bench:—

Third and Fourth Writs, 1636–1637.

Judges' Opinion, February 1637.

"We are of opinion that when the good and safety of the kingdom in general is concerned, and the kingdom in danger, your Majesty may, by writ under the Great Seal of England, command all your subjects of this your kingdom, at their charge to provide and furnish such a number of ships with men, victuals, and munition, and for such time as your Majesty shall think fit, for the defence and safeguard of this kingdom from such danger and peril; and that by law your Majesty may compel the doing thereof in case of refusal or refractoriness: and we are also of opinion that in such case your Majesty is the sole judge both of the danger, and when and how the same is to be prevented and avoided."

Meanwhile John Hampden, a Buckinghamshire esquire (Table, p. 141), had embodied the general dislike to Ship-Money by refusing to pay the twenty shillings at which, under the third writ, his lands in Stoke Mandeville were assessed. The case came before all the twelve superior judges in Exchequer Chamber in

Hampden's Case, 1638, and its Bearings.

November; but it was well on into 1638 before the judges ended the giving of their judgments. As two were against the legality of the writ, three objected to the writ on technical grounds, while seven gave sentence in favour of the Crown, Hampden was worsted in his contention, but by only a bare majority of the judges. One kind, at any rate, of direct taxation thus received that stamp of legality which indirect taxation had received in *Bate's Case* (ch. i., §§ 13-15).

Yet the judgment really weakened the Crown. Many others, besides Wentworth, were alive to its possible bearings, and were ill-disposed to sit still while the King acquired taxative powers which were practically new, which already brought him over £200,000 a year, and which seemed to make him independent of Parliament. The fact that the judges went beyond their sphere in deciding not merely what the Common Law was, but that on this occasion the Common Law must be postponed to necessity, brought them into much disrespect. Still there was no open resistance in England: it was Charles's failure to observe Wentworth's advice to keep quiet for a time that led to the assembling of Parliament which could alone supply a legal means of resistance (§ 9). That Parliament was long delayed because Charles knew it would find fault with his doings in Church as well as in State.

§ 5. The Commons had already declared war on Charles's ecclesiastical government by impeaching several clergy whom he most honoured, such as Montague and Mainwaring (ch. ii., §§ 2, 9), and by their *Resolutions on Religion*, drawn up in February 1629 (ch. ii., § 11): we have now to see at what that government aimed, and why it was disliked to such an extent that, a few years later, it shared the overthrow of his secular government (ch. iv., §§ 4-7; ch. v., §§ 8, 10). Its moving spirit was Laud; and to Laud, as to Wentworth, "order was Heaven's first law." In 1633 they each obtained more room for their several activities, Wentworth by being transferred from the Presidency of the North to the Lord-Deputyship of Ireland (ch. xvi., § 6), Laud by being translated to the Primacy of all England (cf. ch. ii., § 10).

Ideas of Laud and Wentworth, 1633 foll.

Laud's idea was to enforce the existing ecclesiastical law

by means of the existing ecclesiastical institutions — a parochial clergy supervised by an episcopate, each working with different degrees of divine authority under "our King and Governour." In the interest of unity he tried to stop unlicensed preaching, especially on the "deep points" of Predestination and other permanently contentious matters. In the interest of decency and reverence in public worship he required obedience to the full ritual prescribed in the rubrics of the Prayer-Book, and especially took pains to preserve the Communion Table from being used for ordinary purposes by having it shifted from its normal position in the centre of the church to its legal position at the east end of the chancel. By this means he hoped to quietly discountenance the Calvinistic theory that the Holy Communion is a commemorative social meal, and to suggest the Catholic theory that it is in some way sacrificial or representative of a sacrifice (cf. vol. II., p. 153 *n.*); but he prudently refrained from formally explaining his object. Laud did not want to explain and so excite the futilities of popular theological controversy, but rather to get his flock into the habit of acquiescence. Whereas his opponents sought to secure unity in the Church by looking into every man's creed, he sought rather to influence conduct; and as they were out-and-out Calvinists, he and his helpers were branded as "Arminian" (ch. i., § 20; ch. ii., § 2).

Laud's Ecclesiastical Policy.

§ 6. Laud, therefore, put the machinery of the Church into action, to enforce unity on the lines of ceremonial uniformity. Throughout the years 1634—1637 he was conducting a Metropolitical Visitation throughout his Province, while his friend Neile, Archbishop of York, did the same in the North. Men were constrained to go to church, and to a church where the incumbent had either to use the Prayer-Book, or run the risk of suspension or deprivation by the High Commission Court which had been established under the Elizabethan *Act of Supremacy* for the maintenance of orthodoxy and discipline amongst the clergy (vol. II., ch. viii., § 16; cf. below ch. iv., § 6). Nor were men allowed to escape: after 1634, at least, the Privy Council endeavoured to exact a religious test from all would-be emigrants to New England (ch. ii., § 11).

Objections to Laud: i. His Methods.

Meanwhile, those who attacked his men or measures were punished for libel by the Star Chamber. Thus, in 1630, Alexander Leighton was whipped and sent to gaol for life, with his nose slit, for writing a *Zion's Plea against Prelacy*, in which he had advocated the application to the bishops of the old Hebrew method of "smiting under the fifth rib"; in 1633 Henry Sherfield was fined for irreverence, in breaking a church window which struck him as superstitious; and in 1637 William Prynne, a barrister—who was already, since 1633, in prison for his *Histriomastix*, a heavy jeremiad against players, which was supposed to be disrespectful to the Queen—Henry Burton, a London clergyman, and John Bastwick, a Colchester physician, were, on various charges of libel, sentenced to pay a fine of £5,000 each, to stand in the pillory, to have their ears cropped, to be branded, and finally to be imprisoned for life.

This treatment excited such widespread disapproval that the prisoners were sent out of the way to Jersey, Guernsey, and Scilly respectively (cf. ch. iv., § 2 *fin.*). The popular ovation which they received in the pillory was, however, not an assertion of abstract Liberty of Opinion, but merely a remonstrance against the present Government, which was at the same time prosecuting Hampden, the champion of the purse, and these three champions of personal religion, and seeking to apply its methods to Scotland (§ 7). Laud's system was, outside the episcopate and a minority of the clergy, detested by nearly every one. It was so completely misunderstood as to be imagined—by all but a few careful observers—to be "popish" and "innovating." Both charges were very natural. Laud's emphasis on ritual, his discouragement of wrangling with the metaphysical puzzles whose discussion Calvin had brought into fashion, and his insistence on Sacerdotal Authority, all distinctly savoured of "Popery."

ii. His alleged "Popery."

Then again there was the attitude of both Church and State towards Continental affairs. Laud and his friends frankly recognised the Church of Rome as a Church because of its historic continuity ever since the days of Christ, while they declined to extend such recognition to the mushroom

growths of the last hundred years, which tacitly dropped out of the story of Christianity everything which had happened from the times of the Apostles to the appearance of Luther and Calvin. English Romanists were favoured, and gathered to themselves many converts. Continental Protestants were left unaided, while Charles busied himself with negotiations with the "Popish" Powers, France and Spain (§ 1), and in 1635 went so far as to receive Panzani, a Papal envoy, at his Court. Laud was even said to be meditating the acceptance of the proffered Cardinal's hat.

iii. His alleged "Innovations": cf. Milton.

The charge of "innovation" was yet simpler. Slovenly services, almost regardless of the Prayer-Book, had become so common that the enforcement of the Prayer-Book was in practice, though not in law, an innovation. Milton in his *Lycidas* has summed up the views of an earnest Puritan on the results of laying more stress on worship than on preaching: "the hungry sheep look up and are not fed," while "the grim wolf [Rome], with privy paw, daily devours apace, and nothing said."

The Government of the Scottish Kirk.

§ 7. "THOROUGH" was the name given by Wentworth to the system of Absolute Government—or the systematic enforcement of personal authority in both Church and State—which he was carrying out with much apparent success as Lord-Deputy in Ireland, 1633—1639 (ch. xvi., § 6), and which seemed to be going on equally well in England. It was in Scotland, and on its ecclesiastical side, that it received its first deadly blow. The Reformation there differed greatly from the English Reformation: as a religious movement, it was late in beginning, sudden, revolutionary, and popular; as a political movement, it fell under the control not of the King but of the nobles (vol. II., ch. i., § 8; ch. vii., §§ 7, 8). It followed from these differences that, though there was a varying measure of royal influence, there was no legally recognised Royal Supremacy, over the Church. Despite this fact, Charles and Laud attempted to remodel the Scottish Kirk on the revised Anglican model, and herein Charles was but following in the steps of his father. James VI. had done all he could to increase the spiritual power of the titular bishops, who, seven years after the

complete establishment of Presbyterianism in 1592, began to be appointed for Parliamentary purposes, and had in 1621 induced the Scottish Estates to ratify those restorations of Catholic ritual to which the General Assembly of the Kirk had given a reluctant assent in 1618 (ch. i., § 20 *n.*).

The Scottish Liturgy, July 23, 1637.

James had respected constitutional forms by working with the secular and ecclesiastical assemblies of his Scots subjects: Charles worked with the least stable element—the handful of Scottish bishops. He prepared the way by putting the bishops upon an equal footing with the lay nobles in the selection of *the Lords of the Articles*, who did all the real work of the Scottish Estates * (1633), and by issuing ecclesiastical canons, revised by Laud, with the authority of the Scottish bishops alone (1636). In 1637 a new Liturgy—drawn up under Laud's supervision, and based upon the Anglican Prayer-Book—was ordered by the royal authority to be used throughout Scotland in the stead of Knox's Liturgy. When, on July 23, the Dean of Edinburgh stood up "in the whites" (*i.e.*, surplice) to use this book at S. Giles's, a stool was flung at his head. During the next few months, after this riot, petitions went flying southwards to the King against the innovation. But over and above the religious objection, there was the national objection to English domination; and in November committees of the Four Estates were appointed, under the style of *the Four Tables*, to express both kinds of objection to the recent action of the Crown.

The Scottish National Covenant, February 27, 1638.

§ 8. The *Supplicants'* demands, with their groundwork, were embodied in the *Scottish National Covenant*, which all Scotland began to sign in the churchyard of the Grey Friars at Edinburgh on February 27, 1638. The word "covenant" connotes that God was considered a party to the agreement, as in the covenants that figure so largely in Hebrew tradition. The *First Scottish Covenant* had been signed

* The Scottish Estates were four in number—the untitled gentry and the townsfolk not having amalgamated, as with us, into a single estate of "Commons" (Intro., § 2): Clergy, Lay Barons, Gentry, Burgesses. Charles ordained that the Lords of the Articles—who prepared all business for the Estates, and could absolutely block anything which they disapproved—should be thus selected: the bishops should select eight temporal lords, and the temporal lords eight bishops; and these sixteen should select the sixteen representatives of the two lower estates.

widely during the Jesuit Invasion of Scotland in 1580—1581 (vol. II., ch. viii., § 14); and, like that document, this *Second Covenant* (cf. ch. v., § 6) was directed against "Popery." It said nothing against either bishops or Liturgy; but this discreet defect was made good in November, when the General Assembly at Glasgow abolished them altogether. The King, who had in September recalled the service-books, and expressed himself open to negotiation on the point of Church-government, refused to permit this; and his Commissioner, Hamilton, formally dissolved the Assembly.

The First Bishops' War, March—June 1639.

By continuing in session the Scottish Assembly practically defied the King, as the English House of Commons had done in 1629 (ch. ii., § 11). It did so because the 96 laymen and 44 ministers of whom it was composed, felt themselves to be truly representing the voice of the entire nation. Both sides prepared for war: the King on behalf of the bishops, as the emblems of royal authority; the Scots against the bishops as the emblems of Popery. In March the Tables seized the chief fortresses, and mobilised an army of some 20,000 men under Alexander Leslie. They were, for the most part, experienced troops fresh from the Continent, with some zeal for the cause, while the King's forces were largely reluctant tyros. The King lay for a short time at Berwick, while the Scottish army lay a few miles off on Dunse Law. Without money, Charles felt that he could do nothing for the present, and on June 18 he agreed to the *Pacification of Dunse* or *Berwick*. Nothing was settled, or meant to be settled, thereby: the questions at issue were referred to the Scots Estates and Assembly. When those bodies met, in August, they would have none of Episcopacy.

Parliament IV.: April 13—May 5, 1640.

§ 9. After much hesitation Charles decided that the only way to obtain the means to break the Scots was to appeal to the English Parliament (ch. ii., § 11). He expected the long-standing Southron antipathy to Scotsmen—inflamed by the news that they had been playing their old game of intrigues with France—to prove stronger than any religious sympathy engendered by a common anti-Catholic feeling. Accordingly on April 13, 1640, Charles met his fourth Parliament at Westminster.

Yet on May 5, after a session of barely three weeks—which has earned for it the name of "the Short Parliament"—Charles dissolved it in anger. John Pym, an old Parliamentary hand (ch. ii., § 8), dissuaded the Commons from granting supplies until they had considered their grievances, which he ranged under the heads of Religion, Justice, and Liberties of Parliament; and he pointed out many objections to the King's proposal that they should grant twelve subsidies (about £850,000) to be paid up within the next three years, on condition that he gave up his right to Ship-Money.

§ 10. What was to be done? Wentworth, recently made Lord-Lieutenant of Ireland and Earl of Strafford, urged that by the recent behaviour of Parliament the King had been "absolved and loosed from all rule of government." But despite the various questionable expedients now again put in force—Ship-Money, Forced Loans, Irish subsidies—money was scarce; and the combined English and Irish armies made no headway against the Scottish troops that in July forded the Tweed and thus invaded England. On August 28 Leslie routed the English at Newburn-on-Tyne, and threatened irresistibly to advance still farther.

The Second Bishops' War, July—October.

In face of this pressing danger Charles in September summoned to York a Council of Peers — a strange revival of the old Great Council of feudal magnates, such as had been superseded in the fourteenth century by the full Parliament of the Three Estates (Intro., § 2). By their advice a treaty * was entered into at Ripon whereby Leslie was promised an allowance of £850 a day for his forces, and was left in possession of the four northern counties as hostages. The magnates gave their security for raising the sum required, but dared not take more upon them. They could only approve Charles's action in summoning another Parliament. Strafford concurred, and many who might otherwise have scuttled out of the country remained at home in hope of making the governmental system to which they objected scuttle.

Council of Peers and *Treaty of Ripon*, Sept.—Oct., 1640.

* Dr. Gardiner points out that "*treaty*" then meant the actual negotiations, not the completed result; in this case the terms given above were agreed to on October 26, but what we should call the definitive treaty was not signed till August 1641 (ch. iv. § 6, p. 89).

CHAPTER IV.

THE BEGINNING OF THE LONG PARLIAMENT.

Nov. 1640—July, 1642.

§ 1. The Situation in 1640: John Pym and the three P's.—§ 2. Meeting of the Long Parliament, Nov. 3rd, 1640: its Position, Purposes, and Early Work.—§ 3. Impeachment and Trial of the Earl of Strafford, March—April, 1641.—§ 4. Attainder and Execution of Strafford, April—May, 1641.—§ 5. The Issue between Pym and Strafford; Two Parliamentary Safeguards.—§ 6. The Revision of the Governmental System, May—August, 1641.—§ 7. The Church Question and the Split into Parties.—§ 8. Events of the Recess, September—October, 1641, in Scotland and Ireland.—§ 9. The *Grand Remonstrance*, Nov. 23rd, 1641.—§ 10. The Month of December, 1641: *Cavalier* and *Roundhead*.—§ 11. The Attempted Seizure of the Five Members, Jan. 4th, 1642.—§ 12. Drifting into War: the Bishops' Exclusion and the Question of the Militia; the *Nineteen Propositions*.—§ 13. Motives and Ideals of the Royalists (mostly Episcopalian) and the Parliamentarians (mostly Puritan).—§ 14. Territorial and Social Distribution of the Parties at the Outbreak of Civil War.

The Situation in 1640.

§ 1. When Charles I.'s Fifth Parliament met, no one suspected the imminence of Civil War: just as no one divined that revolution would spring out of the assembling of the French States-General in 1789. As then, the Government had come to the end of its resources: as then, it appealed to the Great Council of the Nation. Only whereas both the State and the country of France were poor and exhausted in 1789, in 1640 England herself was singularly prosperous. Clarendon, the historian of *The Great Rebellion*, ascribes all this material well-being to the King, and seems completely puzzled that Parliament was not only too delighted to supply funds for the suppression of invaders who were tainted with a three-fold objectionableness as Scots, as heretics, and as rebels. Totally unconscious of the silent change in the distribution of political forces and of the growth of a spirit incom-

patible with paternal government, he was quite at a loss to see why Parliament should dwell on the religious, financial, and judicial grievances, rather than on the solid benefits, of the Years of Personal Rule.

Pym and the three P's.

"Jeshurun had waxed fat and kicked" was the best explanation * Clarendon could hit upon. For which "kicking" the man chiefly responsible was John Pym, "the first great popular organizer." Hitherto the Crown alone had interfered with Parliamentary elections. Now Pym, a private person, made use of the, at that time, novel methods of political agitation which have become familiarized to us as "the three P's." His principal instruments were the *Press*—whence, despite governmental restrictions, there now began to pour a torrent of pamphlets—and the *Petition*. But he went further than this: when he and Hampden rode round Bucks and elsewhere, gathering the freeholders round them and urging them to "vote straight," he was the inventor of the method of agitation which, since its revival by Wilkes in George III.'s reign, has superseded the Petition, and in our own day called for an historian of the *Platform*.†

The Long Parliament meets, Nov. 3rd: John Pym.

§ 2. The Long Parliament of the Puritan Revolution met on the same day as that on which the most revolutionary of its predecessors—the Long Parliament of the Reformation (1529—1536)—had met 111 years before. More than half its members—294 out of 493—had sat in the previous Parliament; but, thanks largely to Pym, their temper had altogether changed. In April Pym had pleaded for "a very tender and exquisite consideration" of the abuses into which "under pretence of prerogatives or of public good" the King had been led by the "covetous and ambitious designs of others." But now that Charles had once more infringed the "conciliary" power of Parliament, Pym was no longer content to murmur, "We have not been permitted to pour our last grievances and sighs into the bosom of our dear sovereign": he wanted to "pull up the causes of those grievances

* Hobbes's theoretical explanation—in his chapter on "the Dissolution of Commonwealths"—is equally interesting (*Leviathan*, ch. XXIX.).

† Mr. Henry Jephson's work of that title, "the first work dealing with the subject," was not published till 1892.

by the roots." Nor was this beyond his power. The new Parliament felt, as its predecessor had never done, that it had the nation at its back; and besides, in the Scottish Army, it had the advantage of the sole military force of any value in the three kingdoms. The men who had been summoned to help "to chase away the rebels," engaged to give "their brethren of Scotland" £300,000 down and £25,000 per month as long as their presence should be necessary.

The Early Work of the Long Parliament.

The first business taken in hand when the Houses met for business on the eighth day after their formal assembling was to attack those who had been responsible—for as yet no one thought of putting the blame on the King himself—for the recent actions of the Government, and so far as possible to undo those actions. This done, it would be time to see how a repetition of such things could be avoided. In the opinion of all men Strafford stood for the system of the "arbitrary power of the Privy Council," which he had striven, but had not had time or permission, to perfect; and so he was the first to be arrested by his fellow peers at the request of the Commons. Laud was also impeached and committed to prison, but he was not felt, as was Strafford, to be dangerous even in durance; and so the charge against him was not pressed for the present. Six of the judges who had given their opinion against Hampden were also impeached; Windebank, Secretary of State, and Finch, Lord Keeper, only escaped by flight over sea; and commissions were sent round the counties to punish all who had actively supported the late *régime*.

It was not enough to punish offenders: their offences must be as far as possible set right. Thus it was that Prynne, Bastwick, and Burton, three notable victims of Laud and his High Commission Court (1637) were released from their gaols in the Channel Islands and brought back triumphantly to London. The recent Canons of Convocation, declaring unlawful both resistance to authority and non-resistance to Puritan innovations in doctrine and church-government, were repudiated. All communion-tables placed altar-wise were ordered to be moved. Already in Dec. 1640 there was outside Parliament a cry for "Root and Branch" Reform of ecclesiastical affairs.

§ 3. **March, 1641**, saw Ship-Money and all extra-Parliamentary impositions declared by resolution illegal (see below § 6), the introduction of a bill to exclude the clergy, especially the bishops, from judicial and other non-clerical functions, and the commencement of Strafford's trial. There had been such a number of charges brought before the notice of the managers that their case was not ready till the end of January; and when the original nine articles of impeachment were finally read before the Lords they were found to have grown to twenty-eight, and to take nearly three hours to go through. The trial itself did not begin till March 22nd, and was continued almost day by day—sometimes Strafford's gout made his attendance impossible—for three weeks. Few more intensely dramatic scenes have taken place in Westminster Hall; but neither the scene nor the drama of which it was the culmination can be adequately depicted here.* We can only show dimly what was involved in the formal charges and trace briefly the course of the trial. The former may be summarized as—

The Impeachment and Trial of Strafford.

(1) The subversion of the fundamental laws of the land both in the North and in Ireland—*e.g.* by billeting of soldiers and by martial or other extra-judicial law.

(2) Stirring up hostility with the Scots.

(3) Endeavouring to overthrow the fundamental government of the kingdom, and to introduce arbitrary power by means of a standing army raised in Ireland.

It was this last charge which was most serious. But it rested only on some loose notes of a speech made by Strafford in Council in May 1640; and those notes were poor evidence, for they came from a tainted source—they were by the elder Vane, Strafford's bitter enemy—through a doubtful channel—they had been "conveyed" from his father's papers by Sir Harry Vane the Younger—and they were ambiguous.†

* A full and sympathetic account will be found in Mr. H. D. Traill's *Strafford* (Macmillan's "English Men of Action").

† The crucial words were: "Your Majesty, having tried all ways and been refused, shall be acquitted before God and man; and you have an army in Ireland that you may employ to reduce this kingdom to obedience, for I am confident the Scots cannot hold out three months." The question was whether "this kingdom" meant England or Scotland: if it was the latter, it was the Scots' concern, not ours.

Was Strafford guilty of "Treason"?

Further, even if this and all other charges were true, it was doubtful whether they technically amounted to treason. That crime had been defined by a statute of Edward III.'s (1352): it included seven forms of "great offence" against the King—but as a person, not as an institution. It was naturally difficult to prove that Strafford had been guilty of "levying war against," or trying to "compass the death of," Charles I., for in point of fact it was untrue that he had done so. But men were already beginning to make a noteworthy distinction, which lies at the root of "Ministerial Responsibility" as we understand it to-day, and which must be made before the legal maxim *The King can do no wrong* can be embodied in a workable constitution: to see that Charles I. was really two people rolled into one—"the man Charles Stuart" and the "King of England," the fallible, mortal, personal monarch for the time being as well as the infallible, immortal, ideal king of the deathless Constitution. The fact that Strafford had been hand in glove with the former of these two persons, in complete agreement with the *personal* will of Charles, did not, in Pym's view, alter the fact that he had been a great criminal as regards the latter, in antagonism to the *official* will of the King.

The Bill of Attainder, April 10th—May 10th.

§ 4. Still it became obvious that the Lords would not be likely to find Strafford guilty of treason on the strength of charges which even constructively and cumulatively could with difficulty be brought within the statute. And so, on April 10th, two days before the final day of the trial, on which Strafford made his famous great speech of two and a half hours, the Commons had resolved to resort to the quicker process by bill of Attainder.* Instead of attempting to prove that he had incurred the penalties of the existing law, they would pass a law declaring on certain grounds that Strafford was worthy of death. Though Pym and Hampden stuck, now

* Impeachment is a *judicial*, a Bill of Attainder a *legislative*, process. In the former the Commons act as "the great representative inquest of the land, or Grand Jury (of Presentment), who first find the crime and then support the charge before the Lords, who act as a High Court of Justice and Jury to try and adjudicate" (Erskine May): in the latter, the two Houses pass in the ordinary way a sort of *privilegium*, enacting against some person or persons named therein the "extinction of their civil rights and capacities."

as ever, by legal methods, and another of the managers of the impeachment, Digby, put in an eloquent appeal, the third reading was carried (April 21st) by 204 to 59, and by a hitherto unheard-of breach of Parliamentary privilege the names of the minority were placarded about London, headed—

"*These are the Straffordians, the betrayers of their country.*"

The Lords finally passed the Bill on May 8th, by only 26 to 19 votes, not because they liked it, but because rioters were howling for "Justice," and Pym was full of the details, obtained from Goring, himself a conspirator, of a plot hatched by the Queen for bringing the English Army to London to rescue Strafford and overawe Parliament. One of the results of this plot was a Protestation or oath of loyalty, drawn up on May 3rd and taken both by the members of the Commons and outsiders, to "the true reformed Protestant religion expressed in the doctrine of the Church of England, His Majesty's royal person and estate, and the power and privilege of Parliament, and the lawful rights and liberties of the subjects."

The Death of Strafford, May 12th.

Only Charles himself now stood between the Earl and the block, but he was deeply pledged to his servant. He had induced him to attend Parliament by promising him that "the Parliament should not touch a hair of his head," and so late as April 23rd he had sworn that Strafford "should not suffer in life, honour, or fortune." Later he had tried to purchase Strafford's life and the maintenance of Episcopacy by taking the chief Parliamentarians into his Privy Council; but Bedford, the intended Treasurer and leader, died. On the last day of the month he had addressed the two Houses and asked them to find Strafford guilty of misdemeanour only, and had thereby given offence by a breach of Parliamentary privilege. He was in fact powerless to persuade, and afraid to force, the Commons to be content with less than Strafford's destruction. The gentle Essex only expressed the common sentiment in his famous, cold-blooded "Stone dead hath no fellow." If Charles either refused his assent or used his prerogative of pardon, his Queen as well as his throne

would be in danger; and so, smothering his "private conscience" with his "public conscience"—it was five bishops who taught him this fatal distinction—he yielded on Sunday, May 9th, and gave his formal assent the next day. Strafford had written a noble letter to the King offering himself a willing sacrifice, but that could not check the words of sad surprise which now rose to his lips: "Put not your trust in princes, nor in the sons of men, for in them there is no salvation." In the morning of May 12th, unflinchingly as he had lived, he was beheaded on Tower Hill; and men were hastening over the country crying, "His head is off! his head is off!"

The Issue between Pym and Strafford.

§ 5. "Has he given up Strafford? Then he can refuse us nothing." Pym's ejaculation was true enough. In losing Strafford Charles had lost the only man who had both the skill and the will (I do not say *wish*) to fight the battle of Pure Monarchy for him. When in the crisis of 1628-29 Strafford and Pym had found their old constitutional ideal of King and Parliament working together, as in the days of Elizabeth, vanish into air, Strafford had deliberately made up his mind that, if either must go under, it must be Parliament, and Pym had made the opposite choice. Parliament, hitherto a criticising and money-finding body, was aspiring to *govern*, and Pym was prepared to lead it in that direction. Pym appealed to the rule of *Law*, as framed in a representative assembly and interpreted by an independent judiciary, against the rule of *Will*, as embodied in a Heaven-appointed King. Strafford, on the other hand, could not stomach such a distortion of his Elizabethan ideal, and took the line of policy which has made him the proper patron saint for those who sniff at "government by a debating society." Strafford had failed—not inevitably, not because his system was wrong, but—because in Charles I. he had the wrong king to work with; and in him his cause also failed—and that finally, just because on the many occasions when it again had its opportunity there was no Strafford to seize it. One such opportunity was to arise little more than half a year after his death: let us see how events led up to the second great tableau in the history of the Long Parliament (§ 9).

The members and methods of the recent government had been condemned; but much remained to be done in the way of not so much setting up a new system, but rather redressing the balance of the old. A beginning had been made by the passing of the *Triennial Act* in February. It had been provided so long ago as the reign of Edward III. that Parliament should meet at least once a year, but the long intermission of Parliament from 1629 to 1640 had shown that the old statute did not secure its object. The new act provided:—

Two Safeguards for Parliament: February—May.

1. *Summons.* That if Parliament should not be duly summoned and assembled by the 10th September, in the third year after its last session, it should be assembled on the second Monday in the ensuing November. Should the King then fail to summon Parliament, the holder of the Great Seal was sworn under penalties to issue writs; failing him, any twelve Peers were to do so; in their default, the sheriffs, mayors, and bailiffs should cause elections for the Commons to be held; in the last resort the electors themselves should gather together and choose representatives.

2. *Duration.* That (*a*) Parliament should not be brought to an end, save by its own consent, within 50 days of assembling; and (*b*) Parliament should be dissolved *ipso facto* on the expiry of three years from the day of assembling—*unless actually in session.*

Thus without seriously trenching on the Prerogative (at least so long as the King was legally minded) provision was made for keeping Parliament in touch alike with King and people; but already in the last clauses of the act appeared a hint of a much more aggressive demand, which took definite shape in a bill to which Charles gave his assent on the day on which he subscribed to Strafford's Attainder—the bill enacting that, for the greater security of loans which it was proposed to raise, the existing Parliament be not dissolved without its own consent. This measure was at least less revolutionary than the new Army Plot to suppress Parliament which it was in part devised to meet.

The End of *Droit Administratif* in England.

§ 6. The next three months were characterized by two main features: constitutional reform "by leaps and bounds," and the beginnings of a split amongst the Parliamentarians. The reform practically amounted to the cutting down of Tudor excrescences and Stuart innovations based on those excrescences. July 5th was the S. Bartholomew of the Tudor

Constitution: on that day Charles I. gave his assent to the abolition of various judicial bodies closely connected with the Privy Council (Intro. § 4)—the Court of Star Chamber, the Court of the President and Council of the North, the Court of the President and Council of the Marches of Wales, and the ecclesiastical Court of High Commission. They had been entrusted, in part with the consent of Parliament, with powers which, though contrary both in procedure and punishment to the Common Law of the land, were felt to be necessary for the preservation of order in Church and State. They were no longer necessary for their original purposes, and the ends for which they had been used of late were not merely distasteful but injurious to the nation as a whole. That "their loss was felt to be a distinct gain to society" is proved by the fact that hardly a voice was raised for their restoration even by the tumid loyalty of 1660.

The End of Taxation by Prerogative.

About the same time the various financial expedients based on Prerogative were by statute permanently improved off the face of England. In August Ship-Money was abolished, and the writs for its collection, the extra-judicial opinions of the judges, and the Hampden verdict set aside as illegal; the limits of the royal Forests were reduced and fixed; and the exaction of Knighthood Fines was forbidden. In token that it was the system and not the head of it that was hated, a liberal grant was made to the King of Tunnage and Poundage and all other Customs duties which had been recently, but were no longer to be, raised without consent of Parliament; in token of the personal distrust of Charles which his history justifies only too well, these grants were made for two months only; and in token that the constitutional work of Parliament was completed, both the English and the Scots troops (§§ 2, 3) were in August paid off and sent home.

The Church Problem as it was in 1641.

§ 7. "On these purely political questions," says one of the most diligent students of this period,* "Parliament was united, and its work was permanent and became part of the Constitution.

* Mr. C. H. Firth of Balliol College, Oxford: to whom has been entrusted *Cromwell and the Rule of the Puritans* in the "Heroes of the Nations" Series.

But on ecclesiastical questions a division arose which made Civil War possible." We have already spoken of the general point at issue (Intro. § 11). In the long run it was a reformation of the Reformation that was either wanted or refused. In the Sixteenth Century the rights of National (or perhaps rather "Princely") Churches had been asserted all over Europe against the authority of a Universal Bishop: in the Seventeenth the claims of individual consciences against the National Church, especially in England, were raised, not as a theoretical but as a practical matter, and even the strange notion of having several churches within one state was revived (Intro. § 6). But at present the bare possibility of this last had come before very few minds; and what men wanted now was that the collective voice of individual consciences should have more weight than the ruling body of the National Church. It was no longer Church *v.* Pope, but Church *v.* Clergy. The dislike to the Laudian *régime* had been accentuated by fear of his alleged "popery" and by the Presbyterian emissaries of the Scots Army all over England.

The bishops bore the brunt of Laud's unpopularity. So early as December 1640 there had been presented to the House of Commons the *Root and Branch Petition*, signed by over 1,500 clergy and 15,000 laymen of London and the Home Counties laying to the charge of the *soi-disant* Jure Divino episcopate most of the political, social, and religious evils of the day—more especially the encouragement of Popery, the injury of the wool-trade, and the Scottish wars. A Root and Branch Bill, based on the petition and designed to put an end to the civil power of the clergy and the existence of bishops, was introduced into the Commons in May; but despite the support of St. John, Vane, Cromwell, and Hazlerigg, it fell through, as did a more modest bill of the Lords called the Bishops' Bill. Men's minds were not yet heated to a volume that required purely destructive measures; and as Cromwell said, "I can tell you what I would not have, though I cannot tell you what I would."

These abortive bills had one effect: they made many men begin to fear extremes. A Moderate Party sprang

up headed by Edward Hyde, the future Chancellor and historian Clarendon, and Lord Falkland, men who had voted for the Attainder of Strafford when Pym had abstained, and who, because they feared further changes in ecclesiastical matters, were wishful to rest on their oars in things constitutional, and to trust the King to work the system as it had been left him. Pym's party on the other hand knew that Charles in his heart hated modified Kingship and modified Episcopacy, and felt that he might take advantage of anything that turned up to if not uproot, at least dodge the effects of, their reforms. Thus two parties—both, be it noted, believing in the utility of the work of Parliament so far, but differing in their estimate of the King's attitude towards that work and its inherent sufficiency for the needs of the time—already stood facing one another when early in September the Parliament adjourned for six weeks.

The Split and Adjournment of Parliament.

§ 8. During the Recess events occurred in the sister kingdoms which intensified both the Parliament's suspicions of the King and its fear of change. In August Charles had gone down to Scotland nominally to personally assist in carrying out the terms of the treaty, really to try to rally Scotland in his support. The party of the Covenant was by no means united: very different views were taken by different members as to the extent of the loyalty to which they were pledged. And there was much jealousy against the Triumvirate—Argyll, Mar, and Cassilis—which wielded the government, and in which the first-named was practically Dictator. "If this be your 'liberty,'" said one of the nobility, "God give us the old slavery again." Already Montrose, a man who was for the King first and the Covenant after, had been thrown into prison for entering into first the Cumbernauld Bond, then "The Plot" against them: now from his prison he started another scheme for kidnapping (some stories say killing) Argyll and the brothers Hamilton and Lanark. This scheme, which was foiled by the escape of the threatened men on Oct. 11th, is known to history as "the Incident." It is an unsolved mystery, the nett result of which was that Argyll became firmer in his saddle than

The Plot and the Incident, August—October.

ever; and Charles, despite assiduous court to the Presbyterians, and rewards* and offices distributed alike to friends and foes, left for England as much a cypher as before.

The Irish Insurrection of October.

On Nov. 1st, before the King had quitted Scotland, news arrived that Ulster was ablaze. Protestant settlers, Scottish and English, had been massacred wholesale by the oppressed population, who were shortly to show by making common cause with the Roman Catholic Lords of the Pale, who were of Anglo-Norman descent, that the motive power of the rising was no longer the old racial so much as a yet fiercer religious hatred. It will be more convenient to treat of Irish affairs separately (ch. XVI.): here it is enough to say that the horrors of the Massacre—which lost nothing in transmission—at once raised such questions in England as: Was the King an accessory? Could he be trusted with an army to put down the rebels? Was his game in Scotland to conciliate the Scots so that they might give him an army to put down, first the Irish Papists and then the English Puritan Parliament? The questions were natural enough, and were to some extent justified by his attitude in face of the Insurrection. Too strict an "Anglican" to sympathize with the rebels—though his attachment to his "Papist" wife, his friendliness to "Papal" envoys, his promotion of "Papist" officers, and his support of what seemed to most men "Popish" practices in the English Church made him suspected of so doing—he was not above taking advantage of their existence. "I hope," he wrote with a nonchalance that would become a *politique* rather than a man of religious convictions, "this ill news from Ireland may hinder some of these follies in England."

The Grand Remonstrance, November 22nd—23rd.

§ 9. The hope was not altogether vain. The "ill news" intensified the divisions in Parliament, which had recommenced sitting on Oct. 26th; the Moderates thought the peril could be faced only by trusting the King, while Pym's party dared not place the solid power of an army in the hands of a man whom they felt to be quite capable of turning from crushing Popery in Ireland to crushing Puritanism

* It was at this time that Argyll became a Marquis, and Alexander Leslie was created Earl of Leven.

in England. "The greatest liberty of the kingdom is religion," Pym had said in the great speech with which he "broke the ice" in the Short Parliament; and to him religion meant Puritanism, and Puritanism was the religion of England. So Pym led his party to appeal to Englishmen even as the Moderates did to Charles. His appeal took the form of a *Grand Remonstrance* to the King—such as had been mooted a year ago. It was laid on the table of the House on Nov. 8th; it was debated clause by clause for seven days; was finally discussed as a whole in a tremendous debate which lasted from 9 a.m. on Nov. 22nd till 2 a.m. on Nov. 23rd; and was at last carried by a bare majority of eleven (159 to 148). The debate had been the hottest on record; but when it was further proposed to print the document, and Mr. Palmer, one of the minority, sprang to his feet with the words "I protest for myself and all the rest," such a storm arose that only "the sagacity and calmness" of John Hampden prevented the use of swords. Such a protest, permissible in the Lords' House, was unheard of in the Lower House, and was rejected as ruinous to the unity of the Commons. In the end the motion for printing was lost by 23 votes; but this was reversed on Dec. 15th. This resolution meant that copies were spread broadcast.

The Grand Remonstrance had an appearance of being factious which its contents do not bear out. Its conservative character is indicated by the fact that the programme with which it ended was practically carried out and survived the reaction of 1660. It is impossible to do more than give a mere skeleton of a paper so long—it would fill 33 pages of this book—and so varied. There could be no better way of appreciating the aims and the spirit of the Parliamentary party than reading it *in extenso*.*

I. *Preamble.* Why the Remonstrance was necessary; what the Commons had done; what remained to be done, in face of the attempts of a "corrupt and disaffected party" to subvert the fundamental laws and principles of government and the Protestant religion, to discredit the authority of Parliament, and to encourage Popish tendencies in the Church.

* It is printed in full amongst Dr. Gardiner's *Constitutional Documents of the Puritan Revolution* (pp. 127—154).

II. *The* 204 *numbered clauses*, divisible into five groups: (*a*) §§ 1-104—The constitutional history of the time from Charles's accession to the assembling of the Long Parliament; (*b*) §§ 105-142—List of the good works of the present Parliament; (*c*) §§ 143-179—Obstacles to those good works, in the shape of evil counsellors, the money burden of the Scots army, the aspersions on the wisdom and utility of the Parliamentary measures, the Army Plots, and the Irish Insurrection; (*d*) §§ 180-190—The real reasons which underlay the Parliamentary reform of Church and State*; and (*e*) §§ 191-206—Plan of Campaign for the future, including security against Popery, judicial integrity, and ministers such "as the Parliament may have cause to confide in."

The Month of December.

§ 10. Two days after the Grand Remonstrance was carried Charles arrived in London, and was rapturously received in the City. On Christmas Eve—the day after he had returned a dignified answer† to the Grand Remonstrance, remarking on its "unusual nature" and his own readiness to help to settle matters "in a parliamentary way"—the London mob was shouting, "No bishops! No Popish lords!" and bandying about the new terms of derision, *Cavalier!* and *Roundhead!* The change of cry was a mark not of the fickle multitude, but of the predominance of the fear of Roman Catholicism. The welcome to Charles was the expression of a hope for prompt action in Ireland: the "rabbling of the bishops" was in support of the new bill for the removal of the bishops, as the great obstacle to any religious reform, and above all as "popish," from the House of Lords. Throughout December the political strain was immense: every one was anxious as to "what minute would be the next." The King's attempt, honest or no, to gather the chief Parliamentarians round him as councillors failed; it is true that Falkland became Secretary and Colepepper Chancellor of the Exchequer, but Pym had declined the latter post and Hyde preferred to remain a private member. Charles's appointments were watched jealously. The news that the Irish rebels had produced a (forged) King's Commission and called themselves "the King's Army" intensified the panic and caused the Commons to ask for a guard. It was refused, but Charles promised "on the word of king

* This is perhaps the most valuable part: see sample quoted ch. V., § 6.
† Charles had received the Grand Remonstrance from the Commons on Dec. 1st.

that the security of all and every one of you from violence is and ever shall be as much our care as the preservation of us and our children."

The Arrest of the Five Members, Jan. 4th, 1642.

§ 11. The anointed King was a slippery customer, it would seem: for at the moment this answer was being returned, the Attorney-General was at the bar of the Lords impeaching of treason Lord Kimbolton, the future Earl of Manchester, and the five leading members of the Commons, Pym, Hampden, Holles, Hazlerigg, Strode. The charges were subversion of the fundamental laws, casting foul aspersions on the King and his Government, tampering with the Army, with the Scots, with the mob, and finally levying troops against the King. The Lords were "appalled" at both the charge and the unprecedented procedure, and at once forsook their late coldness towards the Commons and conferred with them. Both Houses promised that their members should answer any legal charge, but neither would give the persons of the accused into custody.

Next day, January 4th, Charles made his famous attempt to seize the members at the instigation of the Queen and with the aid of some 500 of the well-born adventurers who were now gathering round the King. The scene is too big for this canvas: suffice to say that he "found all his birds flown," and had to retire baffled amid shouts of *Privilege!* *

The King's *coup d'état* had failed miserably. The whole current of affairs had been flowing in his favour since his return from Scotland, and Charles might well think that this was that "tide which taken at the flood leads on to fortune." The possibility of honest co-operation with the Parliament on the lines of the Grand Remonstrance had been the true flood: that had been neglected for a back-water, and *we* know with what results. Charles, with his ideas of Kingship, could not be expected to anticipate what followed: his subjects' deep love of legality and of Puritanism could not pierce through the over self-conscious "divinity that hedged the King." His blindness was disastrous: his attempt, disapproved by every serious states-

* The Privilege violated was *Freedom of Speech* (impossible during his presence); for as Charles truly enough alleged that of *Freedom from Arrest* did not extend to treason.

man in his councils, was, as Clarendon himself allows, "the most visible introduction to all the misery that afterwards befell the King and his kingdom."

The Bishops' Exclusion and the Militia Bill.

§ 12. There are no "events" in the next six months: it is simply a long slow drift into war, despite the strenuous efforts of the best men on both sides to avert the inevitable. Further attempts to arrest the members failed, and on Jan. 10th they returned in triumph from the City, where Parliament had joined them for shelter, to Westminster, and Charles left Whitehall never to return save as a prisoner. It was the only alternative to yielding, perhaps, but still it was a bad move. The warning which Cardinal Richelieu gave Henrietta Maria when asking for a refuge in France about this time applied to him too: "On these occasions, he who leaves his place at the table loses it."

On Feb. 13th Charles gave his assent to the last two bills of his reign which appear on the statute-rolls—the *Clerical Disabilities Bill* and the *Impressment Bill*. The former excluded the bishops from the Lords; the latter, while it declared impressment illegal, authorized it for the raising of an Army of Ireland. The final formal parting of the ways was at this point: who was to have the control of the militia, the descendant of the old English *fyrd* or folk in arms? Hitherto the kings had had the use of it, but only for keeping watch and ward, not for fighting an integral part of the Constitution. *Now* the Commons put forward a bill transferring the appointment of the commanding officers, the Lords-Lieutenant of the counties, to Parliament; and as the King refused his assent turned it into an "Ordinance."* The control of the militia, like the command of the fleet, was secured for Parliament in March. On April 23rd the King was refused admittance to his northern arsenal at Hull by its parliamentary commander, Sir John Hotham: this open breach led to the issue of royal commissions of array, and to the secession of the leading Royalists in

* An *Ordinance* in the Middle Ages meant a legislative act, usually of a semi-administrative nature, issued by the King acting with the Council but without the Parliament. In these years it meant an act put forth by the Parliament without the King. It was a *bill* to which, though lacking the King's assent, was attributed the force of law. Cp. *the Instrument*, p. 143, I. (3) (*e*).

Parliament to the King at York—35 peers and 60 M.P.'s in all. Not till two years later did Charles bethink himself of using these adherents to strengthen the constitutional appearance of his cause, by making them the nucleus of a parliamentary assembly of his own—the abortive "Mongrel Parliament" held at Oxford in the early months of 1644.

The XIX. *Propositions*, June.

On June 1st the Houses formulated an *ultimatum* which recalls the constitutional schemes of 1258 and 1310 for putting the Kingship into commission. Their *Nineteen Propositions* amounted to a demand for parliamentary control over

(1) *The Administration*: which was to be conducted not by private unsworn men but by the majority of Privy Councillors, who were, like the chief officials, to be approved by Parliament, and who were to sign the measures to which they assented (§§ 1-3).

(2) *The Education and Marriages of the King's children* (§§ 4-5).

(3) *The Church*: the strict execution of the laws against Recusants; removal of Popish lords; reformation of Church government and liturgy (with the aid of divines); "the taking away of innovations and superstitions, of pluralities, and of scandalous ministers" (§§ 7, 8).

(4) *Military Power*: viz., militia (§ 9), custody of forts and castles (§ 15); removal of "extraordinary guards now attending his Majesty" (§ 16).

(5) *Judiciary*: special oath for Privy Councillors and judges (§ 11); appointment of judges, who were to hold office *quamdiu sese bene gesserint* (§ 12); justice of Parliament upon all "Delinquents" (§ 13); General Pardon (§ 14).

(6) *Foreign Policy*: alliance with United Provinces and support of Pfalzgravine Elizabeth (§ 17).

(7) *Peerage*: consent of both Houses to be necessary before new peers should sit and vote in Parliament (§ 19).

"They have given me five and twenty kings," gnashed John after signing the Great Charter. So too now Charles, though promised ever so much money if he would swallow these sugar plums, replied: "If I granted your demands, I should be no more than the mere phantom of a King."

Motives and Ideas of the Opposed Parties in 1642.

§ 13. What were men getting ready to fight for? How were they choosing sides? How were they disposed to each other? Well, in the first place nobody thought of fighting against the King. One side was fighting to make him do what they liked; the other side, not that he might do what *he* liked, but that he should not be *forced* to do anything.

Probably two-thirds of the nation (some 5,500,000) was at the back of Parliament—not because they believed in the nineteen "planks" of its "platform," but because they felt that their own everyday conveniences, and above all their religion, would not be safe if the King established his mastery over Parliament. The strength of the Roundheads lay in their common love—varying from mere preference to passion—for simplicity of religious worship and Biblicality of religious creed—*i.e.*, in their Puritanism. And Puritanism at this stage meant on the positive side a Calvinistic theology and discipline, on the negative side anti-Catholicism—whether Roman or Laudian.

There was here, as we shall see, plenty of room for division; but at present unity and enthusiasm prevailed. Amongst the Royalists, on the other hand, there was no such binding enthusiasm. The rallying-point was not a principle, but the person of the King. And the reasons for this attachment were so various that the sum total of Royalist ideals amounted to mere nihilism, which stood in strong contrast to the profound conservatism with which Parliament began the fight. The old Moderates feared the complete triumph of the King no less than their old colleagues the Parliamentary leaders did; but their sentiment of loyalty overcame their fear. It was only in the stress of conflict that their acceptance of Episcopacy deepened into a zeal which was to ultimately triumph in part over Puritanism. At the beginning of the war the real strength of the party lay in the warlike qualities of the men of gentle birth, who stood up for the King, not from any political or ecclesiastical motives, but because he was "the King," or for the mere fun of fighting, or for the love of "pleasure" which would be impossible under a Puritanical rule. This last was the ordinary Cavalier spirit, which had nothing, save the person of the head, in common with that expressed in Sir Edmund Verney's words to Hyde:—

"You have satisfaction in your conscience that you are in the right, that the King ought not to grant what is required of him; and so you do your duty and your business together. But for my part, I do not like the quarrel, and do heartily wish that the King would yield, and consent to what they desire, so that my conscience is only concerned in honour and gratitude to follow my master. I have

eaten his bread and served him near thirty years, and will not do so base a thing as to forsake him, and choose rather to lose my life (which I am sure I shall do) to preserve and defend those things which are against my conscience to preserve and defend. For I will deal freely with you: I have no reverence for bishops, for whom this quarrel subsists."

P. throughout [but Lincolnshire not really secure till autumn of 1643].

Continually changing hands.

P. at start: overrun by Hopton during 1643, and gradually regained.

P. fruits of Marston Moor, July 2, 1644 [but Lancashire and South Yorkshire had been held by P. for a time previously].

Immediate P. gains after Naseby, June 1645, leaving only and a few scattered fortresses like Lathom Ho. and Basing Ho. to King by Dec. 1645.

The Distribution of the Parties.

§ 14. The distribution of the two parties was no less various than their ideals and motives. Locally speaking, we may say that the parts of England which in the Fifteenth Century had worn the Red Rose now sided with the King, those which had worn the White Rose supported

Parliament. In other words, the progressive, wealthy manufacturing regions of the S.E. counties, the West Riding of Yorkshire, and the Northern and Eastern Midlands were for the Parliament, as were also isolated manufacturing towns like Manchester, Birmingham, and Gloucester: the backward regions of the North, West, and Cornwall—the "West Barbary" of the time—were for the King.

The *local* distribution of the parties was constantly changing, as the annexed map sufficiently shows: the *class* distribution was less variable. The King's strength lay in the persons and dependants of the mass of the nobility, both the peers and the higher gentry; while the smaller gentry, the yeomanry, the business folk, and the middle classes generally were almost to a man for Parliament. It is this fact which colours the average Englishman's estimate of the struggle: "Charles's party sounds the most attractive in tales * and looks best in pictures and on the stage."

Spirit of the Great Civil War.

Perhaps the most notable feature of the war was the spirit in which it was waged. Though the Great Civil War divided households and divided them on religious grounds, the warfare was as a rule neither fratricidal nor brutal. The contrast between this state of things and that going on in Germany at the time (Intro., § 13) is amazing. It was only very gradually, mainly by the example of officers who had picked up Continental methods, that hanging of prisoners and sacking of towns came into fashion; and it was only in Ireland that blood-curdling scenes took place. But it was not for long that the belligerents acted quite in the spirit of Sir William Waller's letter to Sir Ralph Hopton, "the soldier's darling":—

"My affections to you are so unchangeable that hostility itself cannot violate my friendship to your person; but I must be true to the cause wherein I serve. The great God who is the searcher of my heart knows with what reluctance I go upon this service, and with what perfect hatred I look upon war without an enemy. The God of peace in His good time send us peace, and in the mean time fit us to receive it. We are both on the stage, and we must act the parts that are assigned to us in this tragedy. Let us do it in a way of honour, and without personal animosities."

* See list of books in Appendix I.

Conspectus of the First Civil War.

NOTE.—R. = Royalist; P. = Parliamentarian; C. = Covenanter; M. = Montrose: when these initials are in dark type, it signifies that the side thereby denoted was victorious in the operation to which it is appended.
An asterisk (*) denotes a drawn or doubtful battle.
Dark type is used to distinguish the most important battles.

1642.—*Features:* Indecisive Opening; Occupation of Oxford; Direct Attack on London.

Aug. 22.—Raising of the Royal Standard at Nottingham.

Oct. 23.—**Edgehill***: Essex P. *v.* Forth and Rupert R.

Nov. 12.—Skirmish at Brentford: Holles P. *v.* Rupert **R.**
Negotiations at Oxford.

1643.—*Charles's Plan of Campaign:* Newcastle's Army of the North to press down along E. coast into Essex, and Hopton's Army of the West to press along S. coast into Kent, as far as Thames mouth; then King to strike at London.

North and East.	*Midlands.*	*South and West.*
June 30.—Adwalton Moor: Fairfaxes P. *v.* Newcastle, **R.**	June 18.—Chalgrove Field: Hampden *d.*	May 16.—Stratton: Stamford P. *v.* Hopton and Grenvile, **R.**
		July 5.—Lansdown: Waller P. *v.* Hopton, **R.**
July 28.—Gainsborough: Cromwell **P.** *v.* Newcastle, R.		„ 13.—Roundway Down: Waller P. *v.* Hopton, **R.**
		„ 26.—Bristol taken by Rupert, **R.**
Sept. 2—Oct. 12.—R. **Siege of Hull.**	Aug. 10—Sept. 5.—R. **Siege of Gloucester.**	Aug.—Oct.—R. **Siege of Plymouth.**
Oct. 11.—Winceby, Cromwell **P.** *v.* R.	Sept. 20.—**1st Newbury***: Essex *v.* King.	Dec. 9—Jan. 6.—Arundel held by Hopton, R.

July 1.—WESTMINSTER ASSEMBLY meets.

Sept. 15.—THE CESSATION. Sept. 25.—SOLEMN LEAGUE AND COVENANT. Dec. 8.—Death of Pym.

1644. Jan. 19.—Scottish Army crosses Tweed. Feb. 16.—Committee of Both Kingdoms replaces Committee of Safety. Jan. 22—Apr. 16.—The Oxford Parliament.

R. *Plan of Campaign:* Diversions in Scotland and Ireland; Support N. and S. Armies from Oxford as needed.

Jan. 25.—Nantwich: Fairfax **P.** *v.* Byron, R.		March 29.—Cheriton Waller **P.** *v.* Forth and Hopton, R.
March—July 16.—**P.** Siege of York.	May—June.—P. Siege of Oxford.	
July 2.—Marston Moor: Fairfax, Manchester, **P.** and Leven (*Sc.*) *v.* Rupert and Newcastle.	June 29.—Cropredy Bridge: Waller P. *v.* Charles, **R.**	Sept. 2.—Surrender of Essex's Army at Lostwithiel, **R.**

Sept. 1.—Montrose's first victory, over Elcho, at **Tippermuir**; over Balfour, Aberdeen, Sept. 13.

Oct. 19.—Town of Newcastle surrenders to Scots.

Oct. 27.—**2nd Newbury*:** Manchester **P.** *v.* Charles.

1645.—P. Self-Denying Ordinances and the New Model. Treaty of Uxbridge, Jan.—Feb.

R. *Plan of Campaign:* Keep up connexion with Scotland.

Scotland.	*Midlands.*	*South-West.*
Feb. 2.—Inverlochy: **M.** *v.* Argyll, C.		
May 9.—Auldearn: **M.** *v.* Hurry, C.	**June 14.—Naseby:** Fairfax and Cromwell, **P.** *v.* Rupert and King, R.	**P.** Relief of Taunton.
July 2.—Alford: **M.** *v.* Baillie, C.		July 10.—Langport: Fairfax **P.** *v.* Goring, R.
Aug. 14.—**Kilsyth: M.** *v.* Baillie, C.		

Aug. 25.—Glamorgan's Treaty with the Confederate Catholics.

Sept. 13.—**Philiphaugh:** M. *v.* David Leslie, **C.**	Sept. 24.—Rowton Heath: **P.**	Sept. 10.—**P.** Capture of Bristol: Fairfax and Cromwell *v.* Rupert.
	Oct. 13.—Basing House: Cromwell, **P.**	

1646.—March 14, R. Army of West surrenders to Fairfax, **P.**; and March 21, Astley, R. defeated at Stow-on-the-Wold.

Charles I. driven to Oxford Nov. 5, 1645; takes refuge amongst the Scots near Newark **May 5**, 1646.

Raglan Castle surrenders Aug. 19, 1646· Harlech Castle, March 13, 1647.

CHAPTER V.

THE CIVIL WARS.

Aug. 22nd, 1642—Jan. 30th, 1649.

§ 1. Military Conditions of the Great Civil War.—§ 2. The Autumn Campaign of 1642: Edgehill and Brentford.—§ 3. The Peace and the War Parties in Parliament; the Oxford Propositions.—§ 4. The Campaign of 1643: how Parliament secured the Eastern District, and lost the West; the Saving of Gloucester and Hull.—§ 5. The Quest for Outside Aid, especially from Ireland and Scotland, in 1643; Death of Pym, Dec. 8th, 1643.—§ 6. Development in the Religious Views of Parliament up to *the Solemn League and Covenant*, Sept. 25th, 1643.—§ 7. The Campaign of 1644: Nantwich *v.* Tippermuir; Marston Moor *v.* Fowey and Second Newbury.—§ 8. The Winter of 1644–5: *Treaty of Uxbridge; the Self-Denying Ordinances* and the "*New Model.*"—§ 9. The End of the First Civil War—at Naseby and Philiphaugh, 1645; the King at Newark, May 1646.—§ 10. Episcopacy, Presbyterianism, and Congregationalism.—§ 11. The Westminster Assembly, 1643–6; the King's Attitude to the Two Parties.—§ 12. The King at Holmby House; the Army's Two Marches to London, June and Aug. 1647; *the Heads of the Proposals.*—§ 13. The King's Flight, Nov. 1647; the *Engagement;* the Second Civil War, Apr.—Oct. 1648.—§ 14. Pride's Purge, Dec. 6th, 1648; the King's Trial and Execution, Jan. 30th, 1649.

Military Conditions of the Great Civil War.

§ 1. On Aug. 22nd, being the anniversary of Bosworth Field, the battle which had marked the formal close of our latest Civil War, Charles I. set up his royal standard at Nottingham, and so gave the signal for the armed struggle which one side calls "the Great Rebellion," both sides "the Great Civil War." We have already seen the objects and composition of the rival parties: let us now glance at their military aspect.

Money, Arms, and Men.

Charles's greatest deficiency was money and munitions of war: it was to obtain these that the Queen had sailed for Holland in January, and Charles himself had tried to get possession of Hull in April (ch. IV. § 12). On the other hand the country folk

who rallied round his banner were on the whole more used to "roughing it" than their opponents. The gentlemen who formed a considerable part even of the rank and file were accustomed to riding, hunting, hawking, shooting, fencing, and such like sports, and were thus more than half qualified at the outset to act as cavalry. This was of especial importance as, for fighting in the open field, cavalry were at the time the chief arm: the pikeman who dared not move, and the musketeer who was too heavily burdened to move, had not yet been amalgamated into one by the invention of the bayonet, which gave the footsoldier in one simple tool the means of both offence and defence.

Nor was it only in training that the royal troops had the superiority. In discipline too they found a better basis in the habitual dependence of the tenants on their squire than the Parliamentarians had at first in the crude "I'm as good as you" feeling among their forces. "We are all traitors here!" laughed some of Essex's men at the opening of the war as excuse for insubordination. In those early days there were but few signs of the grim sobriety and earnestness which one associates with the Puritan Army, and which was cultivated, if not implanted, in it by Cromwell (§ 8).

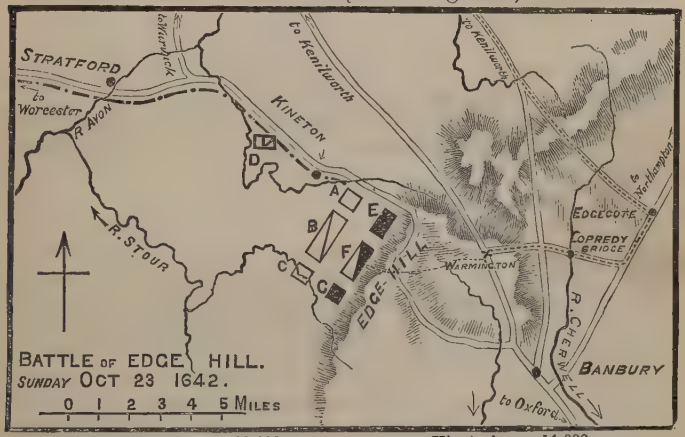
Weakness of Militia.

On neither side then, despite the drillings of officers who had seen active service as "soldiers of fortune" in the Low Countries or Germany, was there much soldierly material; and even if there had been, the system of organization at the outset—local levies serving for a short time and, through anxiety for the safety of their families and goods, disinclined to move out of their own counties—was fatal to any effective handling of the forces as a whole. We shall see that in the campaign of 1643 the local feeling of the militia had as disastrous an effect on the King's plans as the difficulty of providing money and arms. Late in that year Monk advised the King to replace his large fluctuating and ill-trained crowds by a compact regular field-force of 10,000; but the first serious reform was made on the Parliament side, in the formation of groups of counties bound together for mutual defence, having a joint force under one commander, and paid out of common

funds. Such were the Midland and Eastern Associations* authorized by Parliament in December 1642. How these provincial armies were later on merged into a national army we shall see in its proper place (§ 8).

§ 2. The campaign of 1642 was a series of lost chances. Parliament was ready first. Early in July it had ordered the formation of an army, in defence of "the Protestant Religion, Parliament, and the King"; and of this army Essex, "a steady, honourable man without a spark of genius," was named

Edgehill, Oct. 23rd; Brentford, Nov. 12th.



Parliamentary Army, 10,000.
[Essex.]
HORSE: A, Holles, Cromwell, etc.; C, Balfour and Stapleton.
FOOT: B, Essex; D, Hampden.
Line of Essex's Advance and Retreat.

King's Army, 14,000.
[Earl of Forth and Prince Rupert.]
ROYAL HORSE: E, Rupert; G, Wilmot.
,, FOOT: P, Lindsey.
Line of King's March from Shrewsbury.

General. But though he soon had 20,000 troops ready at Coventry, he dared not swoop down on Charles while still unprepared at Nottingham. When, after much marching

* The Midland Association, authorized Dec. 15th, consisted of Leicester, Derby, Notts, Rutland, Northampton, Bucks, Beds, Hunts, and was under Lord Grey of Groby. Of the more famous Eastern Association, authorized five days later and consisting of Essex, Suffolk, Norfolk, Cambridge, Herts, and, after Oct. 1643, Lincoln, the Earl of Manchester was appointed Commander-in-chief Aug. 1643, Oliver Cromwell being the leading spirit.

and counter-marching, they did meet one Sunday in October at Edgehill in S.E. Warwickshire, the characteristic impetuosity of Prince Rupert,* Charles's nephew and General of Horse, carried him so far in pursuit that he was not at hand to rout the Parliamentarian foot at the critical moment. In fighting this battle at all Charles was really wasting time that might have been spent in marching on London before Essex had time to interpose. And finally when Charles had occupied Reading, and, after a skirmish, Brentford, he could not make up his mind to fight the London trained-bands that throughout Nov. 13th stood facing him on Turnham Green; and thus throwing away the best chance he ever had of ending the war at a blow, he retired to his headquarters at Oxford.

§ 3. This indecision was partly the result of inexperience, partly of the fact that both sides were still busy negotiating. But Charles was too vague, and Parliament too insistent. In August Colepepper on behalf of the King offered to advance the true Protestant religion and to secure the laws of the land: Parliament retorted by asking the practical securities of responsible ministers and the settlement of the Church on Puritan lines. Next month the terms of Parliament had risen: Falkland and Colepepper were met with the demand that Delinquents (*i.e.* those who had disappeared from Parliament), Malignants, and the disaffected party should pay expenses. Early in 1643 the *Oxford Propositions* were in active discussion: they were the Nineteen Propositions of June 1642 (ch. IV. § 12), *minus* many offensive minor interferences with the Prerogative, but *plus* the abolition of Episcopacy. London, especially the merchants, was bent on peace: † the army expenditure at the rate of one and a quarter million per annum, combined with the interruption to trade, was growing serious. But peace was not possible so long as Charles was king and his people were bent on Puritanism. In April 1643 Pym made reconciliation harder

Negotiations, Aug. 1642—Aug. 1643.

* See Genealogical Table of the *House of Stuart*, and Lord Ronald Gower's *Rupert of the Rhine*. The King made a serious mistake in allowing Rupert to be independent of his General or Commander-in-Chief, the Earl of Lindsey.

† Amidst the cries of "Peace and Truth!" a voice was heard to mutter, "Hang Truth! Give us peace at any price!"

by impeaching the Queen, just returned to England; and in May the King showed that "he regarded his opponents as rebels to be crushed and not adversaries to be conciliated" (Gardiner), by furthering the poet Waller's Plot to seize the City. Still Parliament showed that it was still clinging to its loyalty by ejecting Marten for his thoroughgoing suggestion that it was "better for one family to perish than that the whole nation should do so."

The Campaign of 1643: Hopton and Newcastle.

§ 4. In the short campaign of **1642** Charles had himself struck, but not with boldness, at the heart of the Parliamentary cause—London: in **1643** his idea—possibly it was his own—was to close round London with three armies. The army with which the Earl of Newcastle had overrun the North was to secure its position there and then march down the East Coast and strike the Thames below London; there it was to be joined by the Cornishmen and other West-country-men that Sir Bevil Grenvile and Sir Ralph Hopton were gathering round them; and together they were to starve and harass London on the East, while Charles himself assailed it on the West. How was it that so fair a design was not successful?

Certainly not through the efforts of the Parliamentary General, who lay inactive between the Thame and the Chilterns through the first half of the year. It was in part the activity of the Eastern Association (which not only purged itself of Royalism but added Lincolnshire), in part the strength of local feeling that fought against Charles. Thus after Newcastle had driven the Fairfaxes from the West Riding by his victory at Adwalton Moor, there still remained Hull to be taken; and the Yorkshiremen would not stir South till it was secured. But owing to the extension, mainly through Oliver Cromwell, of the excellent forces of the Eastern Association into Lincolnshire, Hull was no longer isolated; and so in October Newcastle had to retire baffled, when by the fight at Winceby (Oct. 11th) Cromwell had made quite good his hold on Lincolnshire.

In the South-West the Royalist General Hopton won Cornwall by the fight at Stratton (May 16th), and after a hard-won victory at Lansdown near Bath (July 5th) utterly overthrew his able opponent Waller (see end of

ch. IV.) at Roundway Down near Devizes (July 13th). These successes were crowned by Rupert's capture of Bristol. But here Plymouth stood the Parliament in good stead. It was not till November that Hopton could advance: he got as far east as Arundel, and there he stuck.

Siege of Gloucester: First Battle of Newbury, Aug.—Sept.

The saving of Hull (despite the treachery of Hotham) and of Plymouth would have been vain had Charles's own siege of Gloucester (begun on Aug. 10th in great confidence because its governor Massey was known to be wavering) been successful. "Waller is extinct and Essex cannot come," said Charles; but none the less on Sept. 5th Essex *did* raise the siege. The city had been reduced to one barrel of powder; hence the inscription "Assailed by man but saved by God." Essex marched back *viâ* Swindon, and at Newbury found his march barred by Charles. The battle of Sept. 20th, in which the gentle Falkland* fell, "ingeminating '*Peace, Peace!*'" ended in a draw, despite the gallant stand of the London trained-bands which formed the bulk of Essex's troops; but the failing of ammunition in the King's army prevented any second attempt to stop the return to London. On the whole neither side could plume themselves on the results of the year. The odds had been heavily in favour of Charles, but the jealousies of his officers and the fluctuating nature of his rank and file had done much to reverse them. On the other hand, the Parliament had escaped imminent ruin, had just saved their outlying districts, and got a firm grip on the Eastern Counties and London. The promise was perhaps as much on their side as it had been on the King's at the end of the previous campaign.

The Look-out for External Aid.

§ 5. Both sides had been for some time on the look-out for external help. Charles had been negotiating with Denmark, the consideration for troops to be the return of the Hebrides and the Northern Isles to Scandinavian hands. Spain was not friendly disposed to a king with a French wife: besides, it was busy, and had, as heretofore, plans of its own in Ireland. The

* For an appreciative criticism of Falkland see the paper on him in Matthew Arnold's "Mixed Essays."

death of Richelieu, in Dec. 1642, put French aid out of the question, for his successor Mazarin had enough to do to see after his own position. In Holland the States sympathized with the Parliament (ch. IV. § 12), and this outweighed the family connexion between the Stuarts and the House of Orange, started by the recent marriage of Charles's daughter Mary to William of Nassau (May 1641). In short, all the Continental Powers were too busy with continental affairs to attend to us.

King and Parliament in Scotland and Ireland.

There remained the sister kingdoms, one of which was in the possession of the Confederate Catholics, the other in the hands of the Covenanters. The Marquis of Hamilton—who was thought to have "a better headpiece" than his rival for Charles's favour, Montrose—actually persuaded Charles that he could enjoy the aid of the latter at the same time as that of the Irish "Papists" they so bitterly hated. As a matter of fact, ten days after Charles's Lieutenant the Marquis of Ormonde had concluded *the Cessation* with the Irish rebels (ch. XVI. § 8), the English Parliament was swearing "with uplifted hands" the *Solemn League and Covenant* with the Scots (Sept. 25th). The conclusion of this alliance, which came none too soon, was effected through the younger Vane backed by "King" Pym. It was that veteran's last triumph: having thus secured to his flock the safety for which he had been so long toiling against despondency, defection,* and disaster, he died worn out on Dec. 8th. His greatest colleague Hampden had left the scene before him, having died of a wound received on Chalgrove Field (June 18th) in beating back one of Prince Rupert's midnight raids from Oxford. The leadership of the Commons devolved on Denzil Holles and Sir Harry Vane the Younger—the "Vane young in years but in sage counsel old" of Milton's 17th Sonnet.

§ 6. The *Solemn League and Covenant*† is a document

* August 1643 was perhaps the most critical period. Seven of the few remaining Peers had quitted their seats. A mob of women was besieging the Houses of Parliament calling for "that dog" or "that traitor, Pym." Money was short, and troops had to be pressed for ordinary service; and the despatch of the trained bands for the relief of Gloucester had involved the temporary closing of the shops.

† It is printed in Dr. Gardiner's *Constitutional Documents of the Puritan Revolution*, pp. 187—190.

which, like the Grand Remonstrance, should be read in full to be properly appreciated. It was based on the common danger from Charles: it had a twofold character, being both a religious association and a political alliance. In the eyes of the English doubtless the latter had the predominance, but still their acceptance of Presbyterianism was not dictated purely by motives of political expediency. In ecclesiastical, as in constitutional, matters they had moved considerably since their assembling in November 1640. In the Grand Remonstrance they had defined their position thus:—

"§§ 183-186. Our intention is, and our endeavours have been, to reduce within bounds that exorbitant power which the prelates have assumed unto themselves, so contrary both to the Word of God and to the laws of the land. . . .

And we do here declare that it is *far from our purpose or desire to let loose the golden reins of discipline and government in the Church, to leave private persons or particular congregations to take up what form of Divine Service they please*, for we hold it requisite that *there should be throughout the whole realm conformity to that order which the laws enjoin according to the Word of God.* And we desire to unburden the consciences of men of needless and superstitious ceremonies, suppress innovations and take away the monuments of idolatry.

And the better to effect the intended reformation we desire there may be a general synod * of the most grave, pious, learned, and judicious divines of this island, assisted with some from foreign parts professing the same religion with us."

Instead of the modified Episcopacy there put forward, Parliament now accepted the rival form of church-government claiming Divine Right, but was still constant to the principle of "conformity." There was not so much as a word about the new Congregationalism,† which its members had implicitly repudiated in Nov. 1641, and which we shall soon see rising to a first place amongst religious systems (§ 10). The pledge now appointed to be taken by the "noblemen, barons, knights, gentlemen, citizens, burgesses, Ministers of the Gospel, and Commons of all sorts" in the three kingdoms was

* Satisfied by the Westminster Assembly; see below § 11.

† The italicized parts of these documents bear on Congregationalism. The part in the *Solemn League and Covenant* printed in capitals was inserted at Edinburgh by Vane, himself a Congregationalist (§§ 10, 11), with the idea of leaving a loophole for escaping, if need be, from overmuch Presbyterianism.

1. "That we shall sincerely, really, and constantly, through the grace of God, endeavour in our several places and callings the preservation of the reformed religion in the Church of Scotland, in doctrine, worship, discipline, and government against our common enemies; the reformation of religion in the kingdoms of England and Ireland, in doctrine, worship, discipline, and government according to THE WORD OF GOD AND the example of the best reformed Churches; and we shall endeavour to bring the Churches of God in the three kingdoms to the *nearest conjunction and uniformity in religion, confession of faith, form of Church government, directory* for worship and catechising, that we, and our posterity after us, may, as brethren, live in faith and love, and the Lord may delight to dwell in the midst of us."

2. Extirpation of Popery, Prelacy, superstition, heresy, schism, profaneness: '*that the Lord may be one, and His name one in the three kingdoms.*'

3. 'Mutually to preserve the rights and privileges of the Parliaments, and the liberties of the kingdoms, and to preserve and defend the King's Majesty's person and authority.'

4. The discovery, trial, and condign punishment of incendiaries, malignants, and evil instruments who have hindered the reformation of religion and divided the King from his people.

5. To keep the kingdoms "conjoined in form, peace, and union to all posterity."

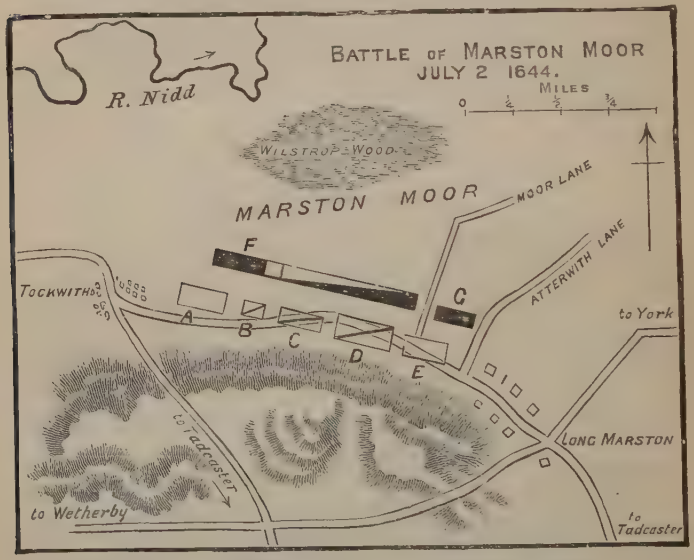
6. Confession of sin, pledge of amendment, and resolution to encourage all "Christian Churches groaning under or in danger of the yoke of Antichristian tyranny."

§ 7. In accordance with this league the Committee of Safety, consisting of 5 Peers and 10 Commoners which had since July 1642 been acting as the executive to Parliament, was by an Ordinance of Feb. 16th, 1644, superseded, so far as war and foreign policy was concerned, by a Committee of Both Kingdoms;* and on Jan. 19th the Earl of Leven led an army 21,000 strong southwards over the frontier. Leven blockaded the town of Newcastle, and in March effected a junction with Fairfax's Yorkshiremen and with the Army of the Eastern Association under Manchester and Cromwell, and laid siege to York. Prince Rupert marched north, broke through the hills dividing Lancashire and Yorkshire by the pass which the Leeds and Liverpool Canal follows to-day, relieved the city, and in conjunction with its commander Newcastle faced the triple Parliamentary Army on Marston Moor hard by. It was nearly 6 p.m. on July 2nd before the

Marston Moor, July 2nd, 1644.

* Itself replaced in Feb. 1648 by a purely English Council (Ch. VI., § 2).

battle began. Cromwell on the Parliamentary left charged Rupert and gave him his first taste of repulse: then reining in, as Rupert would never have done, he turned and charged Goring's "Hell-Babes," who, having routed the Parliamentary right, were returning to attack the hotly engaged



Parliamentary Army, 24,000.
[Manchester (A, B), Leven (Centre), and Lord Fairfax (D, E).]

HORSE: A, Cromwell and David Leslie; E, Sir Thomas Fairfax.

FOOT: B, Crawford; C, Baillie; D, Lord Fairfax.

Royal Army, 22,000.
[Rupert and Newcastle.]

HORSE: F, Rupert; G, Goring.

FOOT: Newcastle (Left Centre) and Porter (Right Centre).

centre in the rear. The battle could never have been fought but for the Scottish forces, and would not have been won but for Cromwell, whom on the field Prince Rupert dubbed by the name which was later extended to his troopers—*Ironside.*

The Scottish succours turned the scale in the North; but

already Charles's hope of similar aid from Ireland had been crushed by Fairfax's* rout of the Irish Brigade at Nantwich, Jan. 25th. More successful was Charles's move in sending Montrose to Scotland. With three companions, he crept to his family estates in Strathtay, and with a wretchedly equipped and fluctuating army of Highlanders and Irishmen (under that Colkitto immortalized by Milton †) beat the Covenanters at Tippermuir and Aberdeen (Sept. 1st and 13th).

Montrose; Waller; Manchester; and Cromwell.

The two Parliamentary armies in the South fared as ill as Charles's two armies in the North. Their business was to lay siege to Oxford; but the two commanders quarrelled and separated. Waller was defeated at Cropredy Bridge on the Cherwell (June 29th); and Essex was chased into the S.W. by Charles and reduced to such straits that he was driven to escape by sea. His horse cut their way out, but on Sept. 2nd, the day after Montrose's first victory, his infantry under Skippon had to surrender at Lostwithiel. Charles I. at once made for London, but on Oct. 27th he was checked at Newbury, somewhat north of the site of the previous battle, by the army of the Eastern Association. The cannon taken at Lostwithiel were gallantly won back; and it was only Manchester's hesitation which prevented the Parliamentarians winning a decisive victory. Cromwell was furious: he roundly charged his chief with deliberate bungling, and he talked of impeaching him. "The kingdom will weary of us, and hate the name of a Parliament," urged Cromwell, if the war were not brought to a speedy close.

§ 8. The winter of 1644–5 was marked by a useless bit of spite in the execution of Laud on Jan. 10th, and by two important chains of events designed to end the war—negotiations and the reorganization of the Parliamentary Army. In November certain propositions of peace were submitted to the King and were discussed at Uxbridge in the following February.

The Treaty of Uxbridge, Jan. 30th, Feb. 1st.

* Fairfax had been set free by his opponent having to march to the relief of the town from which he took his title. The town Newcastle surrendered on Oct. 19th; the man Newcastle fled over sea after Marston Moor.

† *Sonnet* xi. For Montrose see Mr. Mowbray Morris's biography in Macmillan's "English Men of Action."

The terms of Parliament had risen beyond even the level of the Nineteen Propositions: they would vest the control of the military forces in a permanent committee of both kingdoms, and would exact an oath to the Solemn League and Covenant, and punish Delinquents severely. Charles on the other hand suggested that things should be taken as they were in Aug. 1641, and provision made for enforcing respect to the Prayer Book and for "ease of tender consciences." The news of Montrose's fresh victory over Argyll himself at Inverlochy led the King to break off negotiations; and the breach proved the final argument for the reorganization of the Parliamentary forces.

The Self-Denying Ordinances and the New Model.

For the vigorous prosecution of the war two things were necessary: commanders who did not shrink, as Essex and Manchester had done, from dealing a decisive blow, and an army capable of dealing such a blow. For the former purpose a *Self-Denying Ordinance* was in December introduced into the Commons disqualifying members of either House from filling military posts: this was rejected by the Lords, but a second such Ordinance was agreed to on April 3rd, discharging all members from such posts, but not putting any restrictions on future appointments. Thus while Essex, Manchester, and Waller resigned, Cromwell was shortly after his forty days' grace lapsed named Lieutenant-General of Horse of the "New Model" Army which was being constructed by Sir Thomas Fairfax. The new army was not to be a large variable ill-paid, ill-disciplined agglomeration of local levies; but a small compact, well-trained and regularly paid standing-army of 21,000 men. It was largely of the same character as Cromwell's Ironsides. It was as far as possible to be composed of "men who had the fear of God before their eyes and made some conscience of what they did." Against the Royalist sentiment of Honour was to be set the Puritan conviction of Religion. These "godly" soldiers had quite a *furore* for holding prayer-meetings and religious discussions: they agreed on almost no religious dogma, and held all sorts of religious opinions. This comprehensiveness was shocking to all who were upholders of uniformity in religion and by consequence detesters of

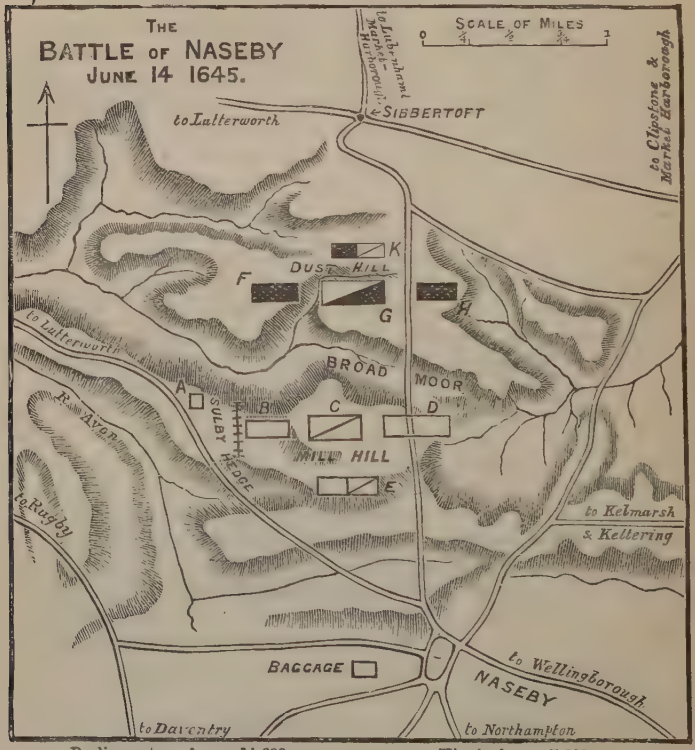
"heresy"; but ever since Edgehill Cromwell* had been standing up more and more boldly for the principle that the State had no concern with the religious or other "opinions" of its servants, so long as they were faithful. He had one powerful argument: Marston Moor had been distinctly the victory of the "godly party." That victory had raised Cromwell to the rank of a political personage for which he bid in his quarrel with Manchester after Newbury. Till the outbreak of the war he had been known simply as the uncouth member for Cambridge, of ponderous gait and speech, and of untiring energy and persistence. His terrible intensity of conviction and vigour to act upon it came down upon men like an avalanche. He had a way of getting a thing done by the time other men began to think of thinking over it. In 1642-3 he proved his ability as a military organizer, and at Marston Moor his quickness and self-restraint as a cavalry-officer and tactician. He was still to prove his capacity as a general and as a ruler.

§ 9. With this army Fairfax took the field on May 1st. After beginning a siege of Oxford, he turned north in pursuit of Charles, lest he should attack the Scottish Army and effect a union with Montrose. The two armies came across one another at Naseby in Northamptonshire, on the high ground between the Welland and the Nene; and there on June 14th what was really the decisive battle was fought. It was not an easy victory for the Parliamentarians, though their forces numbered twice as many as the Royalists. Rupert broke the left wing opposed to him and pursued too far; Cromwell broke the left wing opposed to *him*, and stayed his hand in time to do what he had prevented Goring from doing at Marston Moor—*i.e.* he saved his own hard-pressed foot by charging the enemy in the rear. Charles lost most of his infantry, all his artillery and stores, and,

Naseby and Philiphaugh, June 14th and Sept. 13th.

* It was after Edgehill that he made to his cousin John Hampden (Table p. 141) those discriminating observations on which he acted in forming his own "lovely company." "Your troops are most of them old decayed serving-men, and tapsters, and such kind of fellows, and their troops are gentlemen's sons, younger sons, and persons of quality: do you think that the spirits of such base and mean fellows will ever be made to encounter gentlemen, that have honour and courage and resolution in them? You must get men of a spirit, and—take it not ill what I say—I know you will not—of a spirit that is likely to go on as far as gentlemen will go; or else you will be beaten still.'

worst of all, the state-papers which revealed the expedients that he was prepared to use to secure help from abroad. Still worse for Charles was the exposure, a few months later, of the *Glamorgan Treaty* with the Irish (ch. XVI.).



Montrose was his sole solid support; and Montrose after three or four more victories (p. 102) seemed to grow careless;

for as he was moving through the Lowlands to meet Charles, he allowed his troops to be surprised and cut to pieces at Philiphaugh (Sept. 13th) by a force detached from Leven's army and commanded by David Leslie. It only remained to clear off Charles's surviving forces. In July Fairfax relieved Blake at Taunton, and defeated Goring at Langport: in September he stormed Bristol. The King succeeded in forcing the Scots to raise the siege of Hereford, but on Sept. 24th he witnessed from the walls of Chester the troops with which he was marching north to join Montrose routed on Rowton Heath by Poyntz. In October Cromwell's famous siege of Basing House ended. Charles, who had been "flitting like a wounded partridge" from place to place, took refuge at Oxford in November: thence soon after his army of the West had surrendered, and staunch old Sir Jacob Astley * had been beaten in the last pitched battle of the war—at Stow-on-the-Wold—he fled, by the advice of Mazarin, to the Scottish camp at Southwell near Newark. Though isolated castles held out so late as March in the following year, the First Civil War is usually regarded as ending with this step of Charles, May 5th, 1646.

End of First Civil War, May 1646.

§ 10. The next three years were full of complicated triangular intrigues centring in the conquered King. Charles did not regard himself as beaten, for he believed that God would not permit His representative in England to be beaten by "rebels." He looked upon the divisions which he saw cleaving his enemies asunder as the means divinely appointed for his restoration not to a truncated but to the full Kingship. His cause was so good that it excused, nay demanded, all manner of breaches of faith and double-dealing with his opponents, especially as they were "wicked men." It was the impossibility of doing anything else with him that led to his death.

The King at Newark.

Of deeper and more abiding importance than the mere

* Astley is notable less as the best cavalry-officer of the times than as the author of two highly significant speeches. One was his prayer of practical piety at Edgehill: "O Lord, Thou knowest how busy I shall be this day. If I forget Thee, do not Thou forget me! . . March on boys!" The other was his words after Stow: "You have done your work now and may go to play, unless you fall out amongst yourselves."

chronicle of these intrigues is the nature and meaning of the division amongst the winners which made those intrigues possible. Like the split of 1641 (ch. IV. § 7), this new split arose on the question what was to be the ecclesiastical organization of England—or rather of the three kingdoms. We have already seen the growth of two incompatible things—the acceptance of the principle of Presbyterianism by the English Parliament (§§ 5, 6), and the formation in England of a sectarian or non-Presbyterian army (§ 8). Let us see what these labels mean.

Episcopacy and Presbyterianism.

Nominally, it was all a question of church-government. In 1640—1643 the choice had lain between Episcopacy and Presbyterianism: there had not been a voice, hardly even a thought, for anything else. Now the former of these seemed almost out of court, and a powerful young rival appeared, equally hostile and obnoxious to both. Episcopacy and Presbyterianism had a good deal in common: they both claimed to exist by Divine Right;* they were both in a way *hierarchical*—the one having gradations of "orders" of clergy, the other having gradations of assemblies;† and they both claimed the obedience of every member of the State. But their differences lay far deeper than their resemblances: Episcopacy, whenever it insisted on the sole validity of its orders by transmission (through laying on of hands) from the days of the Apostles, gave a prominence to tradition of which Presbyterianism, claiming to rest directly on the Bible and reason, had no need; Episcopacy clung to the lay power, while *Scottish* Presbyterianism at least—more thorough-going than the English variety—asserted the superiority of the spiritual power as firmly as Innocent III.; and the two attached different degrees of importance to the functions of the Church. Episcopacy dwelt rather on the *worshipping* function, and sought

* The post-Reformation prelates of the English Church had not put forward this claim till forced to do so by Dr. Cartwright's assertion (c. 1570) of the exclusive divine sanction for Presbyterianism (vol. II., ch. VIII., §§ 6, 8).

† Each congregation was ruled by a body of elders, including the minister, called the Kirk Session; representatives of these formed the Presbytery of a District; representatives of these again met in the Provincial Synod; and the system was crowned by the General Assembly. There were thus no ranks amongst the ministers, and the ministers had less numerical weight than the lay elders. Hence the system may be called oligarchic (Introduction, § 11).

uniformity of ceremonial, Presbyterianism on the *teaching* function and sought unity of belief. Both were agreed that unity *must* be enforced: as Milton says, "The bishops hugged the popedom and shared the authority between themselves"; and again, "New Presbyter is but old Priest writ large." *

The Contrasts of Congregationalism.

They persecuted because each believed that there was but *one* Water of Life that would save men, and that that Water would flow only through the divinely ordained channels of their own system. But some few plain folk began during the latter part of the Sixteenth Century to question this: the multiplicity of *soi-disant* sole channels was too confusing; might not that Water of Life "drop as the gentle rain from Heaven upon the place beneath"? So thought those Puritan bodies who were called *Brownists* or *Separatists* here, *Baptists* and *Anabaptists* in Holland when they took refuge there, and some of whom in 1620 sailed as "the Pilgrim Fathers" to New England. Thence many poured back at the opening of the Long Parliament—notably Roger Williams—and began advocating what was called "the New England way." Instead of moulding or mending the Church of England and other such churches, they wanted to end them. They had no single creed—why prefer a Westminster Assembly to a Council of Nicæa?—no fixed ceremonies, no distinct clergy: their idea of a church was of the most primitive kind—each congregation formed a church totally "independent" of any other church or of the state in which it was, and consisted of a voluntary association of kindred spirits of which the only qualification for membership was the sign of God's grace called "conversion," and to which admittance was usually given by baptism (of adults *only*).

Obviously the novelty here was "Religious Liberty." Many adherents of previous systems had asked for freedom of conscience when they were down, but it was because they were "right" and their persecutors were "wrong," or—*e.g.* More, Fuller, and Chillingworth—had favoured ease for tender consciences coupled with attendance at public worship.

* *The Ordinance for the Suppression of Heresies and Blasphemies*, which the Presbyterians tried to rush during the second Civil War, is a good example of the lengths to which Presbyterianism could go. For comparatively modern examples see Mr. J. M. Barrie's *Auld Licht Idyls* and *The Little Minister*.

But these "Independents" asserted that Religious Liberty was the right not of themselves only but of all—and when in power did their best, so far as it was safe (pp. 144, 145), to carry it out. As against the rule of rigid uniformity as prescribed by the few (High Anglican) or the many (Modified Episcopacy and Presbyterianism), the Congregationalists demanded free play for individual thought, and set up that principle of *Toleration* which the Presbyterians called "the grand design of the Devil." This meant, in the long run, not only what Roger Williams called "Soul-Liberty" but also Mind-Liberty. In the year 1644, when the new claims first became prominent, Milton wrote his tract called *Areopagitica; or, A Plea for the Liberty of Unlicensed Printing.**

The Westminster Assembly, 1643—1647.

§ 11. So much for the theories and tendencies of the conflicting systems of Presbyterianism and Congregationalism: how did they actually stand in 1646? The former, which had come into vogue largely as a matter of expediency (§ 6), was supreme. The Westminster Assembly of Divines, which had begun to sit on July 1st, 1643, was strongly Presbyterian. Amongst its 151 members (121 of whom were ministers) there were but five "Dissenting Brethren"; and they had little weight in the revision of the Articles, the drawing up of the *Westminster Confession*, or the formation of that *Directory of Public Worship* which was ordered to supersede the Prayer Book in 1647. The establishment of presbyteries which Parliament authorized in June 1646 never got very far: "while the Divines were drawing up their platform of uniform belief and worship in the Jerusalem Chamber, dissidence† had grown into a religious power" (Green). The Army was at the core "Independent," although in its first move against Parliament (June 1647) it declared it had no mind to "meddle with the settling of the Presbyterial government."

* See Mr. Low's *History of English Literature* 1640—1670, pp. 46-47, for the most illustrative quotation. The whole of his chap. IV. on Milton should be read for side-lights on the ideals of the times. For a list of quaint doctrines which this "Soul-Liberty" resulted in at the time see Mr. Masson's marvellous *Life of Milton*, vol. iii. See too Art. PRESBYTERIANISM in *Encyc. Brit.*

† It is desirable that the term *Non-conformity* be reserved till the reign of Charles II. It is properly a legal term expressing failure to comply with the Act of Uniformity of 1662 (ch. VIII. § 4).

Charles and the Newcastle Propositions.

Ireton and the Army were thus, so late as midsummer 1647, wishful to obey the Civil Power. Yet Parliament was still mainly Presbyterian, despite the large number of Independents (including Blake, Hutchinson, Ireton, and Algernon Sidney) who appeared amongst the 230 "Recruiters" who were in the winter of 1645-46 elected to fill the places left empty by Royalists. But Charles looked for their disunion: "I am not without hope," he wrote, "that I shall be able to draw either the Presbyterians or the Independents to side with me for extirpating one another, so that I shall be really King again." In expectation of which happy issue, he played for more than six months with the Propositions sent to him at Newcastle,* and which were the Uxbridge Propositions over again—but without the Parliamentary control over the education of his children and over peace and war, and with the addition that the King should accept the Covenant, and resign the control of the militia for twenty years. Early in 1647 the Scots grew tired of waiting for something definite, and, on the payment of £200,000 down and the promise of £200,000 more for their expenses, handed over Charles to Parliamentary Commissioners and retired.

The King at Holmby House; First March on London.

§ 12. Charles was lodged at a cost of £150 per diem at Holmby House, and the Parliament proceeded to try two incompatible things at the same time. It showed that it was going to make easy terms on Presbyterian lines with the King, even before it had carried out its project of disbanding the New Model. A Council of Agitators was elected by the Army as its "agents"—two from each regiment—who protested against proposals of disbandment, and finally, hearing of plots to carry off the King, sent Cornet Joyce to anticipate Parliament. On June 4th Charles was conducted to Newmarket,

* It was during his sojourn here that there occurred an incident which shows that sympathy was turning in his favour. A Presbyterian divine one day gave out as the hymn—

"Why dost thou, tyrant, boast thyself,
Thy wicked deeds to praise?"

On which the King rose and gave out another, which the congregation preferred:—

"Have mercy, Lord, on me, I pray,
For men do me devour."

out of Parliament's reach. As Charles seemed likely to be restored on the bare promise of establishing Presbyterianism for three years, the Army set up as the champions of Liberty of Conscience, marched to Uxbridge, and forced Holles and ten other leading Presbyterians to withdraw from Parliament. The coalition of Presbyterians and Royalists which led to the Restoration, as well as the military rule which was the protest against that coalition, had, it seems, begun.

The Heads of the Proposals, Aug. 1st.

London sympathized with the ejected Eleven Members, who were recalled while Speaker Lenthal and some 100 Commoners were expelled in turn. The Army took up the cause of the latter, occupied the City a second time (Aug. 7th), and submitted a draft solution of all difficulties of an extremely comprehensive character. *The Heads of the Proposals* (which should be compared with the documents summarized on pp. 142—145) had been drawn up by Ireton, an earnest student of politics, and signed by Fairfax, and included

I. *Temporary Safeguards against the King*: militia for 10 years and Council of State for 7 years to be under the control of Parliament; and no ex-Royalists to hold office for 5 years or sit in Parliament for 4 years.

II. *Permanent Safeguards against Parliament:* (*a*) *Reform:* biennial Parliaments and redistribution of seats; (*b*) *Toleration:* all coercive restrictions upon worship to be withdrawn.

III. *General Reform* of Taxation, Commerce, and Judicial Procedure.

IV. *General Act of Oblivion.*

The King's Flight and the *Engagement.*

§ 13. The King was encouraging hopes of an early settlement on the statesmanlike basis suggested by the Army, when suddenly on Nov. 11th he disappeared from Hampton Court, and took refuge in the Isle of Wight. At Carisbrook on Dec. 26th he entered into the secret *Engagement* with Scottish Commissioners by which he pledged himself to a three years' Presbytery, and they to suppress the opinions and practices of non-Presbyterians and to invade England with the cry afterwards raised by Monk for "a free and full Parliament." The Engagement was not known at the time, but its fruits were soon evident. The first was the King's refusal of the *Four Bills* sent him earlier in December, and this refusal annoyed the Parliament, patient as it had been, almost as

much as his flight had infuriated the Army. A *Vote of No Addresses* was passed on Jan. 17th. In the Army at Ware a mutiny was with difficulty suppressed by Cromwell: its cry was, "England's freedom and soldiers' rights!" The second sign was the fulfilment of Charles's aspiration: "The two nations will soon be at war." In April Royalist risings burst out all over the land; and in July a Scottish Army 20,000 strong, under the Duke of Hamilton, crossed the Border. Before starting to suppress it the New Model took an oath:—

The Second Civil War, April—October, 1648.

"That it is our duty, if ever the Lord bring us back again in peace, to call Charles Stuart, that man of blood, to account for the blood he has shed and mischief he has done to his utmost against the Lord's cause and people in this poor nation."

Then Fairfax restored order in London, crushed the Kentishmen at Maidstone, and finally beat down the Southern Insurrection under his feet by the capture of Colchester (Aug. 28th). Meanwhile Cromwell had taken Pembroke (July 11th), and then pushing northwards had joined Lambert and with him attacked Hamilton at Preston, and in three days' battle driven him to Warrington (Aug. 17th—19th). He crossed the Border for a moment and roused the Ayrshire peasants to that rising which restored the Covenant party under Argyll (who had "protested" against the *Engagement*), and is known as the "Whiggamore Raid." The fleet under the Prince of Wales had to leave the Thames without effecting anything; and the Second Civil War was over.

§ 14. During the war Parliament had passed a virulent Ordinance for the Suppression of Heresies and Blasphemies, recalled the Eleven Members once more and entered into the negotiations known as the *Treaty of Newport*. It was more than the Army could endure. "I find," wrote Cromwell to his chief, Fairfax, on Nov. 20th, "I find in the Officers of the Regiments a very great sense of the sufferings of this poor kingdom; and in them all a very great zeal to have impartial Justice done upon Offenders. And I must confess, I do in all, from my heart, concur with them; and I verily think and am persuaded they are things which God puts in our hearts." On the same day Col.

Pride's Purge, Dec. 6th.

Ewer came up from St. Albans and presented the *Grand Remonstrance of the Army*: why was Parliament, "even after the rebuke from God" [*i.e.* the "shivering of all the banded strength of a second English insurrection"], "pursuing the same phantom of accommodation?" In each of these notable utterances we find a Divine Right of Might or Success set up in opposition to that Divine Right of Kingship with which we have in our own day seen it blended.* The Remonstrance was rejected on the tenth day after its presentation, and on Tuesday, Dec. 5th, though a large part of the Army had moved up to London, Parliament resolved by 129 to 83 to continue negotiations on the old basis. Parliament must, it would appear, be scotched before the King could be removed; and so on the following day Col. Pride arrested 46 and excluded 97 objectionable members of the Commons; only 53 members remained, to form the *Rump* or sitting part of Parliament. "Pride's Purge" was, if anything, less defensible than Charles's violation of *Privilege* in 1642: the plea was practically the same—"infidelity to the public interests"; but the force at the back of the Agitators was greater than that at the back of the King. Cromwell, hitherto one of the "Suffering" party that waited on events, arrived in town the same evening, and took henceforth the lead in the party of Action hitherto guided by Fairfax and Ireton.

Thus the year that saw the termination† of the great European war (Intro. § 13) which had been for thirty years

* *E.g.* in the German Emperor William II.'s "Brandenburg Speech," Feb. 24th, 1892: "God, who was our ally at Rossbach and Dennewitz, will not leave me in the lurch. He has taken such infinite pains with our ancient Mark of Brandenburg and our House that we cannot suppose He has done this for no purpose."

† Peace of Westfalia (treaties of Osnabrück and Munster), 1648:—

(i.) *Religion.* (*a*) The principle *cuius regio eius religio* of the Religious Peace of Augsburg, 1555, confirmed, and extended to all Protestants, Calvinist as well as Lutheran. (*b*) Ecclesiastical benefices to remain in the hands of members of that creed to which they had belonged in 1624. (*c*) Catholics and Protestants to have an equal number of places in the Imperial Chamber of Justice.

(ii.) *Changes in the Constitution of the Empire.* (*a*) Sovereignty of the states of the Empire within their own territories acknowledged, and guaranteed by the outside Powers—France and Sweden. (*b*) Switzerland and the United Provinces formally separated from the Empire.

(iii.) *Territorial Acquisitions:* (*a*) by *Sweden*, bishoprics of Bremen and Werden and part of Pomerania; (*b*) by *Brandenburg*, the rest of Pomerania and some territories on the middle Elbe; (*c*) by *France*, "the Three Bishoprics" (Metz, Toul, and Verdun—held since 1552), and part of Elsass; (*d*) by Charles Louis (son of Charles I.'s brother-in-law, Frederick V.), restitution of the Palatinate and an eighth "electorate."

(iv.) *Spain acknowledges the independence of the United Provinces*, but does not come to terms with France till the *Treaty of the Pyrenees*, 1659

dragging its slow length along, saw also the crisis of our own great struggle. Under the management of the Officers events moved rapidly. On Jan. 4th, 1649, the "Rump" declared that in itself rested the supreme power; and on the 20th the King was brought to trial as a traitor before a High Court of Justice of 135 members (only 67 present), elected by virtue of that alleged supreme power. During the seven days' trial, the behaviour of the King was as dignified and attractive as it was on the scaffold in front of Whitehall where on Jan. 30th he was executed. Andrew Marvell's words

Death of Charles I.

> "He nothing common did nor mean
> Upon that memorable scene."

are as true as they are well-known. But it is no less true that he did an uncommon amount of mean things beforetime, to which the beauty of his death has blinded not only his own but succeeding generations. And it is also true that he did these mean things—the pretended abandonment of principles like Episcopacy, and the over-reaching of friends and enemies alike—from a sense of duty. Charles died in fact of that very doubleness of conscience to which he had sacrificed Strafford (ch. IV. § 4). At whatever cost to his "private conscience" his "public conscience" must be satisfied. And his public conscience was supported not only by his bishops and lawyers but by Hobbes, the political philosopher who first formulated in England that theory of a *Social Compact** which was afterwards made by Locke to justify the Revolution of 1688, when it told him that, whatever he did, he must not let go his regal sovereignty. And so, like Jacob in Hebrew story, he stooped to deception for the sake of his "birthright"; and it was his "incurable perfidy" which forced the Army to bring him to the block.

Amidst the many insoluble problems which Charles I.'s death raised and still raises at least two things stand out as certain: that whether his execution were righteous, or expedient, or the opposite of either of these, "legal"—though under the forms of law—it was not; and that whatever else was possible, peace was not, so long as he was king.

* Mr. Thomas Raleigh's *Elementary Politics* (Clarendon Press, 1s.) contains an admirably simple, accurate, and practical account of this and many other much-abused every-day terms of Political Science.

CHAPTER VI.

THE COMMONWEALTH: (1) THE REPUBLIC. Feb. 1649—Dec. 1653.

§ 1. Some Analogies and Contrasts between the Puritan and the French Revolutions.—§ 2. Political Effects of Charles I.'s Execution; Position and Prospects of the Commonwealth, 1649.—§ 3. Condition of Ireland and Scotland, 1649—1650.—§ 4. Cromwell in Scotland, 1650; Dunbar.—§ 5. Cromwell's Last Campaign, 1651; Worcester.—§ 6. The Navy and the First Dutch War, 1649—1654.—§ 7. The Army and the Parliament, 1649—1653.—§ 8. The *in*-sufficiency and the *self*-sufficiency of the Rump: the *Coup d'Etat* of April 20th, 1653.—§ 9. The Provisional Government and the Assembly of Nominees, April—Dec. 1653; the *Instrument of Government*, Dec. 16th, 1653.

The Puritan Revolution: 1. Its Non-Social Character.

§ 1. "The first year of freedom by God's blessing restored," as it was officially called, did not open in a very promising way. At home, England was a country divided against itself, with a revolutionary government resting on an armed minority: abroad, every state's hand was against England. Things were altogether in a bad plight which in many respects recalls that of France in 1793; but the more one looks at it, the more one sees how much brighter were the conditions, how much more sane the ideals, how much more temperate the attitude, how much more worthy "the man of the hour," how much less complete the failure, and how much less violent and destructive the reaction after the Puritan Revolution than after the First French Revolution. The very different resultants of the two sets of movements are largely due to their fundamental difference of aim at the outset. The French Revolution was above all a social transformation which found its opportunity in the practical stoppage of the machinery of government: the Puritan

Revolution made no attempt to uproot the existing order of society. Wild ideas of government by "the Saints" (*i.e.* themselves) were entertained by Levellers and Fifth-Monarchy men; but the conduct of affairs never passed out of the hands of the gentry. We had no distinct caste of "Notables" here, and so we had no *Sans-culottes.* Cromwell, a squire himself, was at one with both those whom he led and those who had to submit to him when he enunciated his social theory: "A nobleman, a gentleman, a yeoman—that is a good interest of the nation and a great one."

2. Its Religious Character.

Again, while both revolutions were *anti-clerical*, they took up very different lines in opposition to, and in finding substitutes for, the ecclesiastical systems which they put down. Men may vegetate in negations; but they can live and move only by faith. Now the positive religion of the French Revolutionists was the passionate, ideological visions of Rousseau, tempered by the mere rationalism of Voltaire. These did not prove a solid basis on which to build something to replace the Church, and so the Church, though hated and discredited, has lived on and remains the only thing really *alive* in France to-day—the rest are merely "existing." The Puritans had not a mutually destructive reason and faith: their religion was based on the Bible "interpreted in the light of reason." Instead of a shifting mass of pamphlets in which they found grand ideas they had, as they believed, one definite Book, having authority and containing "*the Truth.*" They spoke its language, used its imagery, and drew from it what were meant to be final arguments on all subjects practical and intellectual—from etiquette to science, physical, political, or theological.

> "*Hic liber est in quo quærit sua dogmata quisque:*
> *Invenit et pariter dogmata quisque sua.*"

The Bible was to them "the Word of God"—the *whole* "Word of God" and *nothing but* "the Word of God." It was a complete armoury of doctrinal proof, from which every one (with restrictions) could take what weapons he liked and use them as he liked—for each text was, as it stood, bound to be "the Truth"; it was only from the immense diversity of "the Truth" thus discovered that men have

come in our own days to regard the Bible historically, to see in it not a storehouse but a story of the development of the idea of God or of His revelation of Himself. The basis and creeds of Puritanism have changed, and so too has that outward formalism which lent itself so readily to caricature in Macaulay * and elsewhere, but the real thing which gave its character to the years immediately before us, still lives alongside (though in form on a lower level) the Church which it failed alike to permeate or supplant. The simplest way to feel the abiding force of Puritanism is to turn from Milton's poetry to that of Mr. Russell Lowell †: to both it is a first principle that human conduct should be based on, and directed and tested by, the divine will.

Some Results of Charles I.'s Execution.

§ 2. Superabundance of ideas was one of the stumbling-blocks in the way of Puritanism; but this was not the most obvious weakness of their position early in 1649. "You cannot do without me," Charles I. had told Ireton; and so, in a way, it turned out. The elimination of the *person* of Charles immensely simplified the problems which faced his own supporters: the elimination of the *King* complicated those which faced his destroyers, while the manner in which he had been removed won over at once the sympathies of most of his people. This sympathy was intensified by Dr. Gauden's *Eikon Basilike*, a devotional comment on Charles's last days presumably coming from his own pen: it appealed to the heart, while Mr. Secretary Milton's answer, *Iconoclastes*, however ingenious, simply appealed to the head. Comparatively few within the nation, and probably none without, had any admiration for the deeds of the Rump or respect for its claim to be a Parliament. It was the Army that formally recognized and really established the power of this shadow

* See his History, ch. I. (*sub fin.*), and Essays on *Hampden* and the *Comic Dramatists of the Restoration.*

† Milton's *Comus* and the *Sonnets* and Lowell's *Bibliolatres*, *The Present Crisis*, *A Parable*, and perhaps *Sir Launfal* will be enough, without going through *Paradise Lost* and *The Biglow Papers*. The American poet-seer is chosen to represent modern Puritanism simply because (1) he is free from the touch of sectarian "Nonconformity" (ch. VIII. § 4) which taints the English descendants of the Puritans; and because (2) he wrote, like Milton, in the crisis of a war in which, as here, the ultimate issue lay between zeal for a cause and "vested interest." "Bowing thyself in dust before a Book" is the text of discourses in Green's *Short History*, ch. VIII. § 1, pp. 460—470; and Mr. Frederic Harrison's *Cromwell*, ch. II. pp. 26—34.

Parliament which was the last vestige of "legal" authority in England.

Establishment of the Republic, May.

Two things illustrate the feeling of uncertainty which prevailed for some months both without and within the governing body. The weekly customs-dues of the Port of London, which stood at £11,000 early in January, went down to £5,000 when the King's trial began, and as low as £1,000 on his execution. Again, the slowness with which Parliament faced the situation, not only in defining, but also in defending, its position, tells the same tale. On February 13th it replaced the executive Committee of Derby House (ch. V. § 7) by a Council of State with fairly full powers, and numbering 41*—mostly members of itself; and eight days afterwards these Councillors pledged themselves to promote the settling of the government of this nation for the future "in way of a Republic, without King or House of Lords." It was not till the middle of March† that these last were formally done away with; and a month later (May 19th) the older order gave place to the new by virtue of a very short Act—the modest term "Ordinance" (ch. IV. § 12, *note*) had been given up long ago:—

"Be it declared and enacted by this present Parliament, and by the authority of the same, that the people of England, and of all the dominions and territories thereunto belonging, are and shall be, and are hereby constituted, made, established, and confirmed to be a Commonwealth and Free State, and shall henceforth be governed as a Commonwealth and Free State by the supreme authority of this nation, the representatives of the people in Parliament, and by such as they shall appoint and constitute as officers and ministers under them for the good of the people, and that without any king or House of Lords."

The Conquest of Ire'and, 1649—1650.

§ 3. Before seeing how little reality there was under the engaging air of finality in this Act, let us look at the way in which the Commonwealth fronted its outside foes. Not a court in Europe was friendly: the French ambassador withdrew; the Tzar ex-

* This was too large for such a body, and so it worked—as the Long Parliament did, as the Privy Council ever has done, and as the County-Councils of to-day do—by a multiplicity of committees. As many as 80 such are recorded.

† On March 17th the House "found by experience that the office of King in this nation and Ireland, and to have the power thereof in any single person, is unnecessary, burdensome, and dangerous to the liberty, safety, and public interest of the people"; and on March 19th that "the House of Lords is useless and dangerous to the people of England to be continued."

pelled the English minister; and even the United Provinces would not punish the Royalist murderers of Dr. Dorislaus, the envoy of the Commonwealth. But if foreign powers were not friendly, neither were they disposed, as they were to the French Republic of 1792, to be actively hostile. The real danger lay in Ireland and Scotland. Ormonde, the King's Lieutenant, had won to the new "King's" side his old enemies the Confederate Catholics and the Scots troops in Ulster; and if speedy relief were not sent over, the scattered Parliamentary forces in Dublin, Belfast, and Derry must be overwhelmed (ch. XVI.). Before the end of 1649 the whole situation was changed: Blake had driven Prince Rupert and his royal ships from Kinsale, and was pursuing him to destruction in the Tagus and the Mediterranean, and Oliver Cromwell had half done that terrible campaign—English Puritan warring down Keltic or Anglo-Keltic Papist—which has earned him the name of "the first and most cruel of Unionists." In May 1650 he was able to leave the completion of the conquest and the settlement of Ireland to Ireton and Ludlow, and to return home. He was wanted elsewhere. "The best reward for having wrought well," said Kingsley, "is to have more to do."

Events had been taking a threatening turn in Scotland. That country—the very safety-valve of whose constitution had been political assassination, frequently in the form of regicide, and which was now holding fast by the last and greatest of those "bonds" or "covenants" whose ultimate sanction had been wont to be the removal of some objectionable person—would have neither part nor lot in the death of Charles I. His eldest son had immediately been proclaimed king at Edinburgh as Charles II., and the only question was on what terms he was to be received as king *de facto*. There were three alternatives: he might place himself in the hands of the pure Royalists, whose leader was Montrose; or in those of the *Engagers*, the party which had entered into the agreement with Charles I. at Carisbrook whence sprang the Second Civil War (ch. V. § 13), and whose then leader Hamilton had been executed by the English Parliament soon after the King's death; or finally in those of the *Protesters*,

Parties in Scotland: "Charles II."

the thorough-going Covenanters whose head was Argyll. Ultimately Charles was compelled to submit to the hard terms of the last and strongest party. Before doing so he had entrusted the man most disinterestedly loyal to him with a commission as Lieutenant-Governor of Scotland; in virtue of which "the Great Marquis" landed in Caithness with some 1,500 German and Danish troops, only to be defeated at Corbiesdale in Ross-shire on April 27th, and hanged with every circumstance of ignominy at the High Cross in Edinburgh on May 21st, 1650.*

Cromwell's Campaign in Scotland, July 1650—July 1651.

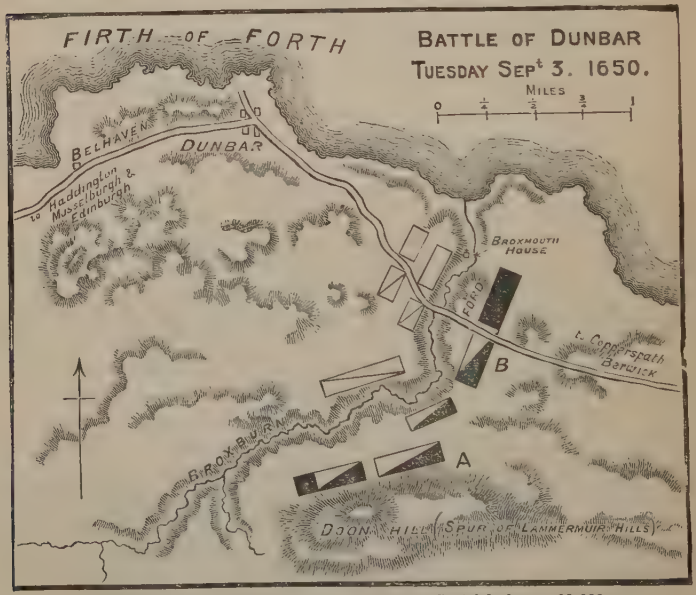
§ 4. Ten days later Cromwell entered London in triumph from Ireland amid a vast multitude which, as he himself observed, would have been "still larger had it been coming to see him hanged." Early in June the Scots king Charles II. landed, and began to pick up a lesson that he never forgot—"Presbytery is no religion for a gentleman." He took the Covenant; he promised to rule in civil matters by the advice of the Scots Estates and in matters ecclesiastical to submit himself to the General Assembly of the Kirk (p. 118, *note*); and finally he had to sign a written acknowledgment of penitence for the wicked Prelacy of his father and the still wickeder "idolatry" of his mother.

Dunbar, Sept. 3rd, 1650.

This was no direct concern of the English Commonwealth —but for the fact that the Covenanters were Crusaders, bound to take arms sooner or later against their late allies of the South, as at once rebels and heretics. The Rump prepared to take the initiative, and on July 22nd Cromwell—now appointed Lord General in the room of Fairfax, who was as little inclined to fight his old comrades the Scots as he had been to take part in the condemnation of his king—crossed the Border, and for a month tried to force his colleague at Marston Moor, David Leslie, to fight outside Edinburgh. Finally he had to retreat, completely outgeneralled, along the coast eastwards. At Dunbar he found his further march blocked by Leslie's occupation of the hills above and command of the pass between him and England known as Cockburns-path.

* The death of Montrose forms the subject of one of Aytoun's *Lays of the Scottish Cavaliers.*

He was never in so tight a corner. He was on the point of embarking his guns and part of his "poor, scattered, hungry, and discouraged army," when Leslie, either fearing lest he should escape or yielding to the dictation of the prophet-preachers in his army, came down from the hills. "*The Lord hath delivered them into our hand*," was Cromwell's cry, and so it proved. A hard struggle round the



brook that lay between the armies began at 6 o'clock on the following morning (Sept. 3rd); about an hour afterwards the sun bursting through the mists suggested Cromwell's famous prayer, "*Let God arise, and let His enemies be scattered*": and in a few moments the Scots

were flying helter-skelter in all directions. With the loss of less than 100 men Cromwell had all but annihilated the force of double his own numbers which had kept him at bay for a month. Next day Edinburgh was occupied by Lambert, and the party of the Covenant was, as a political force, permanently crushed.

Save on the field of battle there were no wholesale slaughterings here as in Ireland. Both armies were Protestant "congregations in arms"; both sides brought forward from an authority they both recognized, the Scripture, texts which absolutely "proved" themselves to be in the right; both parties found in the Book of Psalms their *Marseillaise*; and both felt equally sure that the words of that same 68th Psalm which Cromwell had quoted in the moment of victory applied to, perhaps even were *intended* for, them—"*This* is God's hill in which it pleaseth Him to dwell." The victors were in the main Independents, and so shutting their eyes to Church differences, treated the vanquished as purely political opponents.

§ 5. On January 1st Charles was crowned king at Scone by a party that was much more distinctly Royalist than Covenanting, and in June Cromwell, who had been laid up with ague during the winter, took the field. His direct attack on Falkirk and Stirling failed, so he put troops across the Forth estuary near where the great Bridge now stands, and captured Perth. Charles, thus taken in the rear, made a dash for England *viâ* Carlisle, as his brother's grandson did a century later; and Cromwell, leaving Monk, the originator of the Perth surprise, to capture Stirling and Dundee and commence the task of ruling Scotland, hastened south. His Major-General, Lambert, was hanging on the Scottish king's skirts, and preventing even those who felt so disposed from joining him; and so Cromwell himself took the East Coast Route, and finally came up with Charles II. at Worcester. Here on September 3rd, the anniversary of Dunbar, after several days' siege and a complicated battle lasting four or five hours, he scattered the enemy with heavy loss and finally crushed the Royalist party as a *fighting* cause. It was, as Cromwell put it, "a

"Worcester's Laureate Wreath," Sept. 3rd, 1651.

crowning mercy." Many thought it would prove a "crowning" mercy for Cromwell in another sense, but he contented himself with panegyrics, and the thanks of Parliament expressed in words and in a further grant of £4,000, and the use of Hampton Court. The routed Prince, after forty-four days' romantic wanderings, in all manner of disguises and through many hair-breadth escapes, reached Brighton and sailed thence to France.*

The Navy and the First Dutch War, 1651—1654.

§ 6. The Army had done its fighting and was now able to turn to the question of settlement of affairs. Before we come to that matter, we may with advantage look for a moment at the work of the other fighting arm, the Navy. Under Young Sir Harry Vane the management of the navy had been receiving more systematic attention than it had ever yet received; while in the hands of Blake,—who, though he was a landsman till the age of fifty, became our first great admiral,—Deane, Monk, and other generals it was becoming a much better trained and more scientifically handled tool than ever before. The naval operations which Blake carried out so successfully in the first two years of the Commonwealth against Prince Rupert, and which other commanders undertook for the recovery of the Scilly, Channel, and West Indian Islands, brought the Navy to so high a degree of efficiency that in 1652 the Rump ventured on war with the leading Sea-Power of the day—Holland.

The quarrel had been brewing long enough. The political *casus belli* were not serious: the shelter afforded to Royalist refugees, even when they murdered, or sought to murder, the envoys † of the Republic, and the refusal of Jan. 1651 to enter not merely into a confederation with the Commonwealth but even into an ordinary alliance, might have been passed over. It was the success of the Dutch as traders which made us plunge into this, our first commercial war. Everywhere the Dutch were the great obstacle in the way of our development from a piratical into a commercial country: they all but monopolized the herring-fishery in the North Sea, and the trade of Northern

* These adventures form the subject of Harrison Ainsworth's romance *Boscobel*.

† Dr. Dorislaus had been actually murdered; his successors Strickland and St. John—the would-be negotiators of the confederacy—had been assaulted.

Europe; they had expelled us from the Spice Islands, and were making far more progress than we were in India; and even bade fair to become the heirs of their old fellow-rebels of the Spanish Netherlands as the weavers of our wool into cloth. To make some of these methods of competition impossible, the first *Navigation Act* was passed on Oct. 9th, 1651.

(1) Goods from Asia, Africa, or America to be imported only in English ships or in those of English Colonies.

(2) The natural or manufactured produce of European countries to be imported only in English ships or in ships of the country.

(3) None but English-caught fish to be exported from, or imported into, England and Ireland.

If this law were put into execution the Dutch carrying trade was at an end, and the English mercantile marine, practically a naval reserve, would be at once cock of the walk. The Dutch Government protested by envoys: the Dutch captains took the matter in hand by declining to dip their flag first in the Narrow Seas. Hard blows were exchanged even before the open declaration of war in July 1652; and after many severe tussles*—the most severe were that of Nov. 1652 by which Tromp "swept" Blake from the seas,† and that of July 1653 in which Tromp fell and Monk utterly broke the Dutch off their own coast—the Dutch gave in. By the *Treaty of Westminster*, April 5th, 1654, they agreed

* The following table of the more important battles, with commanders and results, may clear up the general confusion of the war:—

1652, May 19. Blake with 24 ships *v.* Tromp with 45: off Rye: drawn. Main fleets sail to Scottish coast: storms.

,, Aug. 16. Ayscue checked by De Ruyter in North Sea.

,, Sept. 28. Blake and Penn *v.* De Witt and De Ruyter with 65 ships: in the Downs: indecisive. The English disband: the Dutch prepare.

,, Nov. 30. Tromp and De Ruyter with 80 ships and a convoy defeat Blake with 37: off Thames mouth. Blake badly supported.

1653, Feb. 18—20. Blake, Penn, and Monk *v.* Tromp: off Portland and up Channel. Both about 80 ships. Tromp's convoy badly damaged. Blake wounded.

,, June 2—3. Monk, Deane (died), and Blake (2nd day) *v.* Tromp, De Ruyter and De Witt: off Yarmouth.

,, July 31. Monk's final victory off the Texel with 90 blockading ships over Tromp and De Witt with 120 fresh-equipped ships. 26 Dutch ships captured and most of the rest destroyed.

† Hence the legend that Van Tromp cruised with a broom at his masthead in token of having "swept the seas" clear of English sea-dogs. The story, which seems to be based on the words of a London journalist, has been elaborated in the song of *The Admiral's Broom*.

(1) To concede the supremacy of the Narrow Seas.
(2) To lend no further countenance to English Royalists.
(3) To pay heavy damages to the East India Company, to the sufferers from the Massacre of Amboyna (1623), and to English Baltic traders.
(4) To restore to England the island of Pularoon.

Long before this treaty was signed the Republic had been both recognized by all the Powers of Europe, and put down at home: let us now see how this last had come to pass.

The Army and the Parliament, 1649—1653.

§ 7. "Water without the ship may toss it; but it is water within the ship that sinks it." The words of the Nonsuch Professor go to the heart of failure of the Republic: the "Ship of State" (to adopt a metaphor from the American Revolution) successfully buffeted the waves of external attack, but through the racketing inside it sprang a leak and became waterlogged, and finally, the ballast shifting, capsized. Let us try to see how all this happened.*

The sovereignty in this Republic was divided between two bodies—the Parliament and the Army. We have seen how these two worked together till they had secured the *being* of the Republic: we have now to see why they fell apart on the question of its *well-being*. To begin with, neither of these bodies was what it professed to be: the Rump was the vestige of the remains of the Long Parliament, numbering at a pinch 116 but on the average only 50, and neither in origin nor in feeling really representative of the sense of the nation; the Army was not only an admirable fighting instrument numbering 40,000, but a political organization having what seems to be in all Aryan nations of political consciousness the inevitable two assemblies—the Council of Officers which was its *Senate* or *Witan*, and the Agitators who were its *Ecclesia*, *Comitia*, *Folcmoot*. The strength of the Parliament lay in the fact that it was the sole legal link with the past: that of the Army lay in its numbers and discipline, in its leading spirit, Cromwell, and in its high sense of responsibility for completing the work it had begun—more especially for securing Liberty of

* Only a bare summary can be given here: for a fuller account, which brings home the lessons in politics with which the period abounds, the student is recommended to read the brilliant tenth chapter in Mr. Frederic Harrison's *Oliver Cromwell*.

Conscience. Pride's Purge had put the two at harmony: why did they fall asunder?

The Rule of the Rump.

§ 8. Neither the actual administration nor the constitutional position of the Parliament was satisfactory. They defeated the outside enemies of the Commonwealth; they reluctantly passed an Act of Oblivion in Feb. 1652, and, after debating the matter in a joint Convention at Dalkeith, effected a compulsory union with Scotland in the following month; and they entrusted the much needed work of law-reform to a committee under the competent headship of Sir Matthew Hale. But their government was expensive, wasteful, oppressive, and probably corrupt.* Their actions pleased neither Presbyterian nor Independent, lawyer nor layman, gentry nor commons. Besides, owing to the divided responsibility of multitudinous committees, their conduct of affairs amounted to a mere hand-to-mouth policy, and that too when every one was calling for a "settlement of the nation"—or as we should put it "a new constitution"—such as the Army had long ago drawn up in the *Agreement of the People* (pp. 142—4).

The Status of the Rump.

Further: this Parliament that *did* so little claimed to *be* everything. Like the sole survivor of Mr. Gilbert's *Nancy Bell*, it seemed to fancy that it actually was the King, Lords, and Commons because it had swallowed them all up. Everybody but its own members regarded it as a stop-gap, which ought not to exist a moment after order was secured. Its own leaders held that it *ought* to live for ever in virtue of the Perpetuation Bill (ch. IV. § 5), and that it *must* live to nurse its bantling, the Republic, into manhood. It was felt both by the Rump and the Army that it would not be safe for them to allow the constituencies unfettered freedom of

* (1) *Expensive.* The Army alone cost between 1649 and 1652 six millions of money, and there was apparently a deficit of four millions on the two services; the methods of raising money by the monthly assessment and by the excise were highly unpopular. (2) *Wasteful.* The large income derived from the *Sequestration* of lands (estimated at £170,000 per annum) and the lump-sums paid by Royalists as *Compositions* were squandered—partly through log-rolling, partly through the absence of central control—in compensations and pensions as reckless as those which marked the close of the American Civil War. (3) *Oppressive.* Tribunals as arbitrary as the High Court of Justice or the Star Chamber were in frequent use long after the country was fairly quieted. (4) *Corrupt.* Despite the honesty of such men as Vane, many members took highly paid offices (often sinecures) and even bribes. [Prof. Jenks's *Constitutional Experiments of the Commonwealth.*]

election; and so for four years the debate as to a "new Representative" flickered on. In November 1651 the Parliament, by a majority of two, resolved that it should be dissolved—but only after three years' time. Before the appointed day—Nov. 3rd, 1654—arrived, it had ceased to be.

The First End of the Rump, Apr. 20th, 1653.

Put simply, the game was the old one: suppose an Immovable Body get in the way of an Irresistible Force, what will happen? The Army—the Irresistible Force of the game—patiently tried not to act on the *soi-disant* Immovable Body. The Rump staked all on a single throw, and lost. In April 1653 Vane introduced a Reform Bill which provided not only for a redistribution of seats, but that the existing members of the Rump should sit in the new Parliament and should have the right of disqualifying those whom the constituencies should choose. This was no Dissolution Bill, but a Perpetuation Bill. Such a "Slop Constitution" was a poor product of so fine ideals, and would never fit the country. So thought the Officers, and on April 20th, hearing that the bill was being rushed through the House, Cromwell went down in plain clothes and a rage and ejected the men who individually were his colleagues and collectively his civil superior. The scene is well known, and so are Cromwell's words:—

"Your hour is come: the Lord hath done with you! . . . Come, come, we have had enough of this: I will put an end to your prating! It is not fit that you should sit here any longer: you should give place to better men. You are no Parliament: I say you are no Parliament. . . . Sir Harry Vane, Sir Harry Vane, you might have prevented all this, but you are a juggler and have no common honesty! The Lord deliver me from Sir Harry Vane! . . . It is you that have forced me to do this, for I have sought the Lord night and day, that He would rather slay me than put me to the doing of this work. . . . What shall we do with this Bauble?* Take it away."

Next day a placard was found posted on the locked door of the House:—

"THIS HOUSE IS TO BE LET, NOW UNFURNISHED."

§ 9. There was some pretence of legality in Charles I.'s Attempt on the Five Members (ch. IV. § 11): there was absolutely none here. Surely it was much more wicked for

* The Bauble was the Mace, the symbol of the Speaker's power

a subject, bound by the oath of military duty, to turn out a whole Parliament by violence than for a king, responsible to no human superior, to try to arrest five treasonable members? The only answer is that hardly any respectable person, even on his own side, approved of the King's action, and that almost every one rejoiced in Cromwell's deed. Charles had failed because he was acting solely for himself: Cromwell succeeded because—so far at least—he was acting for the nation. No serious enquirer now regards him as a crafty schemer for a military dictatorship or monarchy, as Napoleon Bonaparte proved himself very soon after the superficially parallel scene in which he ended the *Directory* on the 18 Brumaire, 1799.

Charles I., Cromwell, Bonaparte.

A new Council of eight officers (including Lambert, Harrison, and Desborough) and four civilians replaced the old Council of 41 whose president was John Bradshaw. A Declaration as to what had taken place was issued; and the new government was accepted by all—especially by the chief absent commanders—Blake, Monk, * and Fleetwood (Ireland). Then as the times did not seem quiet enough for an election, Cromwell summoned in his own name, but by the advice of his officers and on the choice of Congregationalist ministers in the three nations, the Assembly of Nominees, which has been nicknamed by the Royalists "Barebone's Parliament," and by the Scots the "Daft Little Parliament." Like its analogue, Charles's Great Council of Sept. **1640** (ch. III., end), it failed completely.

The Provisional Government, April—Dec. 1653.

This Little Parliament consisted of 156 men, "faithful, fearing God, and hating covetousness"; it was roughly representative † both of localities and of the better classes; and it had all manner of lofty aims. Unfortunately it both misunderstood its position

The Little Parliament: July 4th—Dec. 12th, 1653.

* Neither Blake nor Monk really liked it: Blake because he was a Republican proper, Monk because of his steady consistent habit of subordination to the civil power by which he had been appointed. Blake's sentiment is crystallized in the words ascribed to him: "*It is not for us to mind state affairs, but to keep foreigners from fooling us.*" Monk said: "*It was never in my conscience to go out of God's way under pretence of doing God's work.*"

† 139 were English; 5 were for Scotland; and 6 each for Ireland and Wales. Blake sat for Somerset, Monk for Devon, Ashley Cooper for Wilts, Praise-God Barebone for London.

and over-rated its capacity. It was apparently meant to be a constituent assembly—*i.e.* to draw up a constitution: it preferred to plunge wholesale into summary reforms on its own account. Amongst the numerous plans suggested were:—

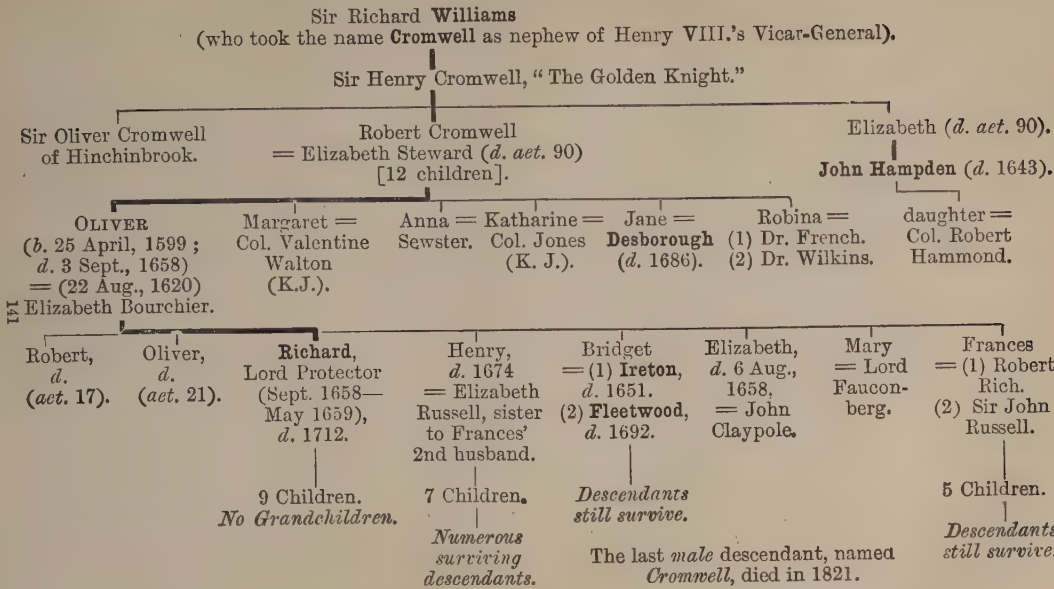
(1) *Revision of the Judicial System:* Abolition of Chancery (23,000 cases in arrear); Simplification and Codification of the Law; establishment of county-courts for the recovery of small debts; payment of judges by salary, instead of by fees.
(2) *Church Reforms:* no lay patronage; no tithes; civil marriages.
(3) *State Registration* of births, marriages, deaths, and land-titles.

The fact that all these things have been either carried out, or recognized as desirable, in our own day does not prove they were practicable then. The "Progressives" amongst these "godly" men were stirring such a hornet's nest of "vested interests" that Cromwell was doubtless considerably relieved when on Dec. 12th the "Moderates"—or "sober" party as they were then called—suddenly resigned their authority into the hand of the giver.

The Instrument of Government, Dec. 16th, 1653.

Four days later, Cromwell accepted a document drawn up by the Council of Officers and known as the *Instrument of Government* (pp. 143, 145). Hitherto he had been simply what Milton called him in May 1652, "our chief of men": he now took the civil title of "Lord Protector." The *Parliamentary* Republic had been tried and been found wanting; and its alternative, the *Presidential* Republic, was to be tried. In other words, the man of action was to take the place of the men of chatter. Pym's ideal had, it would seem, failed, and Strafford's was to be realized—with the important difference that whereas Strafford had stood up for the will of one man, the King, Oliver Cromwell stood for the common sense of the nation. Strafford was Legitimist; Cromwell was Utilitarian. Neither was popular: for the conduct of the one and the position of the other was irregular, "unconstitutional."

The Cromwell Family and its Connexions.


Sir Richard Williams
(who took the name Cromwell as nephew of Henry VIII.'s Vicar-General).
Sir Henry Cromwell, "The Golden Knight."
Sir Oliver Cromwell of Hinchinbrook.
Robert Cromwell = Elizabeth Steward (d. aet. 90) [12 children].
Elizabeth (d. aet. 90).
John Hampden (d. 1643).
OLIVER (b. 25 April, 1599; d. 3 Sept., 1658) = (22 Aug., 1620) Elizabeth Bourchier.
Margaret = Col. Valentine Walton (K.J.).
Anna = Sewster.
Katharine = Col. Jones (K. J.).
Jane = Desborough (d. 1686).
Robina = (1) Dr. French. (2) Dr. Wilkins.
daughter = Col. Robert Hammond.
Robert, d. (aet. 17).
Oliver, d. (aet. 21).
Richard, Lord Protector (Sept. 1658—May 1659), d. 1712.
Henry, d. 1674 = Elizabeth Russell, sister to Frances' 2nd husband.
Bridget = (1) Ireton, d. 1651. (2) Fleetwood, d. 1692.
Elizabeth, d. 6 Aug., 1658, = John Claypole.
Mary = Lord Faucon-berg.
Frances = (1) Robert Rich. (2) Sir John Russell.
9 Children. No Grandchildren.
7 Children. Numerous surviving descendants.
Descendants still survive.
The last male descendant, named Cromwell, died in 1821.
5 Children. Descendants still survive.

NOTE.—The main line of descent is shown by a thick line; the names of political notabilities are in dark type; the abbreviation "K. J." King's Judge) means that the person was a member of the High Court of Justice that condemned Charles I.

Three Schemes of Government, or

A. AGREEMENT OF THE PEOPLE
as presented to the Rump, Jan. 20th, 1649. [Originally drawn up, in a simple form of four clauses, by the Agitators, Oct. 1647: never carried out.]

[N.B.—Present Parliament—"the Rump"—to end by Apr. 30th, 1649.]

I. REPRESENTATIVE.

(1) COMPOSITION: (*a*) *Number:* 400 "representers" for England and Wales.

(*b*) *Redistribution of Seats:* wiping out of small boroughs.

(*c*) *Disqualification:* Malignants (for 14 years); members of Council of State; officers under pay; practising lawyers.

(*d*) *Franchise:* all native-born rated "housekeepers" over 21 years; but not paupers, or servants or (for 7 years) Malignants.

(*e*) *Quorum:* 60 members for debates; 150 members for passing bills.

(2) DURATION: Elections every other May; session limited to 6 months between June and December.

(3) POWERS: (*a*) "Supreme trust in order to the preservation and government of the whole."

(*b*) Erection and Abolition of Courts of Justice.

(*c*) Enacting, altering, repealing, and declaring of laws.

(*d*) Highest and final judgment concerning natural and civil things, but not concerning spiritual and evangelical things.

N.B.—**No Provision for Revenue or Military Forces.**

(4) LIMITATIONS: no power to enact: (*a*) impressment of soldiers; (*b*) further punishment of Malignants; (*c*) repudiation of debts, etc.; (*d*) exemptions from law; (*e*) laws against individuals; (*f*) laws touching "fundamental concernments"—*e.g.* this "*Agreement*," "levelling men's estates, destroying property, or making all things common."

B. Instrument of Government.	C. Humble Petition and Advice.
Presented to Oliver Cromwell by the Council of Officers, and accepted by him, Dec. 16th, 1653.	Drawn up by 2nd Protectorate Parliament and assented to, May 25th, 1657; amended by **Additional Petition and Advice,** June 26th.

I. REPRESENTATIVE.

(1) (*a*) 400 for England and Wales; 30 each for Scotland and Ireland. (*b*) 413 borough members reduced to 135. (*c*) Malignants excluded for three parliaments; abettors of Irish Rebellion and Roman Catholics disabled for ever. (*d*) *Borough-Franchise:* left as before to local usage. *County Franchise:* qualification, £200 in real or personal property. (*e*) 60 members.	(1) **Two Houses** consisting of "persons of known integrity, fearing God and of good conversation, and being of the age of 21 years." For disqualifications, see ch. V. § 8 *n*. (*a*) House of Commons: as before, in the main. (*β*) "Other House": 40—70 life-members summoned by L. P.; no proxies; quorum of 21; limited appellate jurisdiction in civil cases.
(2) Elections every third year; session to last not less than 5 months. Provision made for automatic assembling, as in *Triennial Act.*	
(3) (*a*) "*The supreme legislative authority of the Commonwealth of England, Scotland, and Ireland shall be and reside in the Lord Protector and the people assembled in Parliament*" (§ 1). (*c*) No law to be altered, suspended, abrogated, or repealed without its consent. (*e*) Bills to become law, even without L. P.'s assent, unless contrary to this "*Instrument.*" (*f*) *Administration.* Approval of 7 chief officers of State; Oaths of Office required. (*g*) *Revenue.* P. to grant whatever was wanted above the constant yearly revenue of L. P.—viz. money requisite for maintaining Army of 30,000 and Navy, *plus* £200,000 for domestic government.	(3) (*a*) and (*c*) as in "*Instrument.*" (*f*) *Form of* Oaths of Office prescribed by "*Additional P. and A.*" (*g*) *Revenue:* (i) Fixed Revenue of £1,000,000 for Army and Navy, *plus* £300,000 for government. P., not C., to settle manner of raising it; in any case not by land tax. (ii) No further taxes save by Act of Parliament. (iii) Council to issue moneys, and Treasurers to be accountable for same to Parliament.
(4) "The persons elected shall not have the power to alter the government as it is hereby settled in one single person and a Parliament."	(5) Privileges of Parl. asserted as "antient and undoubted birthright": esp. non-exclusion of members and consideration of election cases [partly droppe in "*Add. P. and A.*"].

Three Schemes of Government, or

(continued.)

A. Agreement of the People (1649).

II. ADMINISTRATIVE.

"Public affairs" to be managed by a Council of State, appointed by Representative within 20 days of assembling and to last till 10 days after next Representative meets.

Council of State *may* summon Representative in the interval between biennial Representatives; but such extra session not to last more than 80 days.

Representers eligible for C.S. but not for any of the high civil offices.

III. RELIGION

(1) Public Profession of Christian Religion—to be 'reformed to the greatest purity in doctrine, worship, and discipline, according to the Word of God."

(2) "Instruction of the people thereunto, in a public way, so it be not compulsive."

(3) Maintenance of able preachers, for the confutation of heresy, error, and whatsoever is contrary to sound doctrine.

(4) Such Maintenance to be out of the public treasury and not by tithes.

(5) No compulsion on such public profession; but all who profess faith in God by Jesus Christ, however differing in judgment from the doctrine, worship, and discipline publicly held forth, to be protected in their worship—so as they abuse not this liberty to the civil injury of others or to actual disturbance of the public peace.

(6) This liberty shall not necessarily extend to Popery or Prelacy.

(7) All laws, past or future, contrary to this Liberty null and void.

"Constitutions."

(continued.)

B. The Instrument of Government, 1653.

C. The Humble Petition and Advice, 1657.

II. ADMINISTRATIVE.

"*The exercise of the chief magistracy and the administration of the government to be in the Lord Protector and a Council*" of from 13 to 21 members [15 named: vacancies to be filled by L. P. selecting from 2 chosen by the Council from a list of 6 drawn up by P.; members removable by P. and suspendable by C. itself].

(1) *L. P. to be elective and not hereditary*; Oliver Cromwell to be first; vacancy to be filled by Council; from L. P. to be derived all magistracy, honours, and pardons.

(2) *Powers of L. P., with P.* (*if sitting*), *or, if not, with C.*:—
- (*a*) To dispose and order militia and forces both by land and sea.
- (*b*) To direct foreign affairs, and have power of war and peace.
- (*c*) To summon P. in triennial interval, if need be, and immediately if war break out.

(3) *Powers of L. P. in Council, subject to approval of P. on assembling*:—
- (*a*) Making of Ordinances;
- (*b*) Raising additional Taxation to Fixed Revenue.

As in the Instrument save that *the dignity of Lord Protector is increased by*

- (*α*) Power to name his successor—contrast B. II. (1).
- (*β*) Power to fill up vacancies in Council, subject to approval of Council and Parliament.
- (*γ*) Power to summon life-members to the "Other House."

III. RELIGION.

As in "*Agreement*" almost word for word—pending "a provision less subject to scruple and contention and more certain than the present."

(1) "The true Protestant Christian religion, as it is contained in the Holy Scriptures of the O. and N. T., and no other, to be the public profession of these nations."

(2) Confession of Faith to be agreed to by L. P. and C., to be neither reviled nor enforced.

The Rest as in "*Agreement*," with additions that

- (*a*) Ministers who do not agree with public profession may not claim share in public maintenance.
- (*b*) Restriction in (6) extended to those "who publish horrible blasphemies, or practise and hold forth licentiousness and profaneness under the profession of Christ."

CHAPTER VII.

THE COMMONWEALTH: (2) THE PROTECTORATE AND AFTER.

December 1653—May 1660.

§ 1. Presidential *v.* Parliamentary Republic: Rigid *v.* Flexible Constitutions.—§ 2. The Opening Prospects of the Protectorate at Home and Abroad.—§ 3. Cromwell's Attitude to France and Spain. —§ 4. Cromwell's Actions in the West Indies, Flanders, and the Mediterranean; Blake.—§ 5. The First Protectorate Parliament, Sept. 3rd, 1654—Jan. 22nd, 1655: Attempt to "Revise the Constitution."—§ 6. Conspiracies of the Irreconcilables, and the State of Siege, 1655—1656; the Majors-General.—§ 7. The Second Protectorate Parliament, Sept. 17th, 1656—Feb. 4th, 1658: the Offer of the Kingship; *the Humble Petition and Advice* and *the Additional Petition*; "the Other House."—§ 8. View of the Home Government of Oliver Cromwell in Church and State.—§ 9. Death and Character of Oliver Cromwell.—§ 10. The Condition of Parties, 1658—1660; Protectorate of Richard Cromwell, Sept. 3rd, 1658—May 25th, 1659.—§ 11. The Year of Anarchy; Monk and the Restoration, April, 1659—May, 1660.

Rigid and Flexible Constitutions.

§ 1. The *Instrument* was to all intents and purposes a novelty in English History. For such an attempt, no longer to modify existing institutions, but to set up an entirely new and original set in their stead—to desert the old English way of precedent for the revolutionary ideal of scientific government —one must go back to such a *forma regiminis* as those which the baronial oligarchy tried in **1258** and **1264** to substitute for the existing monarchical system (Intro. § 3). For our old vague Constitution, consisting of a bundle of laws and customs, in which there were many degrees of real importance but no formal precedence, there was, by the stroke of a few soldiers' pens, substituted a cut-and-dried Constitution ranking above the ordinary Law. If fairly

novel at the time, it was not allowed to remain unique: for such are "the Constitution of the U.S.A." which our ex-Colonists in North America agreed to in 1789, and "the Constitution of the Dominion of Canada" which our present Colonists there drew up in 1867.

The Contents of the *Instrument.*

Why was such a change necessary? Simply because "too many cooks spoil the broth," and because the Cabinet was not yet invented. "In the multitude of *counsellors*" there may be "wisdom"; but there is no steady action—and that is the first thing needful in government—in a multitude of *doers* sans head. That is why the Commons have a Speaker, the London County-Council a Chairman, and the Cabinet a Prime Minister. The Parliament had tried to do what it could not and failed to do what it ought; and so the Army and General which had borne with it so long had removed it, as it were an evil growth in the organism of the Commonwealth. The distinction between the consultative and the executive functions is restored: nay, more, an absolute and impassable division is made between the bodies appointed to exercise them. The Executive is made quite independent—in working if not in origin—of the Legislature; the duties of each are defined, and there are certain things appointed with which the Parliament may not meddle. The ideas, as may be seen by the comparative table on pp. 142—145, are those which six years ago Ireton had embodied for the Army in the *Agreement of the People*; but the Army now found its safeguard, not in a Council of State, but in an irremovable Single Person, called by the traditional name "Lord Protector" and having a constant revenue and control over the forces, but ruling in the presence of a practically irremovable Council and having only a suspensive veto over the measures passed by an inevitable triennial Parliament. The effort to find a legal half-way house between the despotism of a Single Person and the despotism of a Single Chamber resulted in the formation of a rigid written Constitution * which stands in the strongest contrast to the

* The meaning of these terms is made absolutely clear in Professor Dicey's fascinating *Law of the Constitution*, Introd. Chap. and Chap. VI., especially pp. 118—128; and the practical working of the two systems is contrasted in the Introduction to Bagehot's *English Constitution*.

flexible conventional Constitution, with an omnipotent Parliament and an omnipotent Premier lying at each other's mercy, by which we are governed to-day. Our system *looks* impossible: theirs actually *was*. As we have seen (ch. VI. § 1) in the matter of religion, so here they had learnt that authority is not a monopoly; but also, as in religion, they still hankered, human-like, after something stereotyped. They had omitted to provide for future changes, and to make it quite clear, in case of dispute between the two co-ordinates, whether Protector or Parliament was to play second fiddle.

§ 2. The Protectorate started hopefully. At home it at once won the adherence of the Army, and it was fairly well received by the generality—the stolid mass of people who wanted to be left in peace. If not popular, at least it was neither hated like "the Rump," nor despised like "Barebones Parliament." From the new "Cæsar" of the new "Empire"—the terms were freely applied by contemporaries of the new *régime*—much more was expected than from the defunct Republic. A contemporary ballad-writer expressed the aspirations of the average man thus:—

The Outlook in 1654 at Home and Abroad.

> "The tale is now done; the Speaker is dumb,
> Thanks to the trumpet and the drum;
> And now I hope to see
> A Parliament that will restore
> All things that were undone before—
> That we may Christians be."

"The people of God were much dissatisfied," Cromwell was told. In other words, the plain champion of mere order, justice, and reform had arrayed against him aspirants for the immediate kingdom of the saints, "constitutional martinets" like Bradshaw, Vane, Ludlow, and "doctrinaire republicans" like Sidney, Hazlerigg, and Hutchinson. With these honest noble men, formerly his closest associates, he had now to part company. After his death, they again had their chance, and once more their failure stood out conspicuously against his general success; and—so far as results can justify anything—justified Cromwell's dictatorship and Protectorate. Abroad the change was welcomed every-

where. The puzzle where to find the Government in a revolutionary state is excessively trying to the diplomatic mind: henceforth there could be no doubt it resided in Oliver Cromwell. In the nine months that elapsed before his accession to the formal headship of the State, he brought the Dutch war to an honourable close, and made treaties with Holland (ch. VI. § 6), Sweden, Denmark, and Portugal; and he could tell his first Parliament, "there is not a nation in Europe but is very willing to ask a good understanding with you." Amongst the Powers thus asking the chief were France and Spain: with which of these should he take part?

France? or Spain?

§ 3. There was no real choice in the matter. Cromwell has been over and over again charged with the responsibility for the later wars of defence against Louis XIV., because he did not bolster up the failing cause of Spain and check the growing greatness of France. But look at his circumstances. His position rested on two bases—the middle-classes and the Army. Now the former of these were commercial, and both were Protestant. It was natural therefore that he should lean to the country whose trade interests were at least not opposed to those of England, and which, as we have seen (Intro. §§ 10, 13), had, hitherto, in international politics, been Protestant. He worked with Mazarin, as Elizabeth had with Henry IV.—not because of common sympathies, but because of community of interests and hostilities. He did not decide hastily which Power he should befriend. First he showed France that he was not to be trifled with by turning out an emissary of Mazarin's who had been intriguing with Royalists in London; then he listened to Spanish offers and found that they came to nothing;* and not till then did he definitely take sides against the Power that was at once the champion of Roman Catholicism and the claimant,

* He demanded from Spain: (1) Calais, should it be taken from the French; (2) liberty to trade in the Spanish American Colonies; (3) immunity for English merchants and seamen from the Inquisition. But Spain could not consent to make her communications, always difficult, with the Netherlands still more precarious by conniving at the command of both sides of the Channel by one Power. To ask the last two was, the Spanish ambassador said, "to ask his master's two eyes." Mazarin on the contrary promised Dunkirk when captured and religious toleration at home.

in virtue of the famous Papal division (1493), of the mercantile monopoly of the New World. In November 1655 a commercial treaty, in the following October a treaty of wider scope, were signed with France—by which Charles I.'s sons were driven from that country—and finally in March 1657 an offensive and defensive league was established.

§ 4. The actual fighting with Spain had long since begun. "There is no peace beyond the line" (*sc.* of the Papal partition, *not* the Equator); and so—nine months before war was openly declared—a fleet of 30 vessels, with 4,000 troops aboard, had been despatched to the West Indies. The expedition—owing to a characteristic quarrel between Penn the naval and Venables the military commander—had failed to take the island of Hispaniola or San Domingo, but had easily seized Jamaica (May 1655). Thus practically began that transmarine dominion, consisting, not of colonies but of conquests, which fifty years later led to those English claims "to rule the sea" which are apt to seem to us quite natural to, and indeed inseparable from, our position. Nearer home the chief incidents of the war were Stayner's capture of the Spanish Plate fleet near Cadiz, followed by the striking procession of 38 waggon-loads of silver (£2,000,000) from Portsmouth to London in September 1656; Blake's last exploit in April 1657 in cutting out the Mexico fleet from under the forts of Santa Cruz in Teneriffe—the place where Nelson, the one English seaman whose fame exceeds his, lost his eye; and the Battle of the Dunes and capture of Dunkirk by the "Immortal Six Thousand" under Lockhart (June 1658).

Fighting with Spain, 1655–1658: Blake.

By these things England profited no doubt, but they were not therefore wars of mere aggrandizement: there was no military tinsel about Cromwell as there was about Napoleon. His wars were wars of self-defence or of right against wrong: his general foreign policy was based on the idea of fulfilling his duty as head of Protestantism or even Christendom. "You have on your shoulders," he told his first Parliament, "the interest of all the Christian people in the world." His most notable deed as head of Protestant Europe was the intervention in favour of the Vaudois, whose sufferings are

The Defender of the Oppressed: Savoy; Barbary.

commemorated in our best known sonnet,* and whose persecution by the Duke of Savoy ceased at the persuasion of Mazarin and the Pope acting under pressure from Cromwell (1656). He was the champion of Christendom when he sent Blake round the Mediterranean to check that piracy of the Barbary Corsairs which was not finally put an end to till 1817 and the French occupation of Northern Africa. Probably England has never had in Europe a supremacy at once less disputed and less selfish. Cromwell used pressure, but it was not by bullying the weak that, in Dryden's† words,

"He made us freemen of the Continent."

The First Protectorate Parliament, Sept. 3rd, 1654—Jan. 22nd, 1655.

§ 5. "Peace hath her victories no less renowned than war," Milton had sung to Cromwell in May 1652; and the difficulties at home were faced as boldly, though they were not surmounted so triumphantly, as the threats or pretensions of foreign foes. He was a good administrator, but the very fact that he had ideas—and strong, sound ideas—of his own made him little disposed to be interfered with by Parliament. At the same time, he desired a "constitutional" government, and his notion of constitutional government was a single ruler with an advising, not controlling, Parliament.

His first serious difficulties were with his First Parliament—which was the first *reformed* Parliament, and has been called, in virtue of the government-nominees from Scotland and Ireland, "the first imperial Parliament." It met as appointed on the Lord Protector's "lucky day," Sept. 3rd, but instead of at once tackling the work of "Healing and Settling" as prescribed by Cromwell, it began under the guidance of Hazlerigg and Bradshaw to discuss "whether this House approve of government by a Single Person and Parliament." Cromwell then made a speech telling them, truly enough, that their very presence

* Milton's 18th Sonnet, beginning

"Avenge, O Lord, thy slaughtered Saints, whose bones
Lie scattered on the Alpine mountains cold."

† *Stanzas on the Death of Oliver Cromwell*, which may be found in Mr. Christie's volume of selections, and should be contrasted with his *Astræa Redux*.

there was equivalent to an acceptance * of the *Instrument of Government*, and excluded some hundred members who would not accept an Engagement not to "propose or consent to alter the government as it is settled in a sole person and Parliament." But the remainder would not accept the other distinctions made by the Protector between *Fundamentals* † and *Circumstantials*, and proceeded to amend the *Instrument* clause by clause. Though their amendments (as may be seen by comparing them as shown below ‡ with the summary of the *Instrument* itself on pp. 143, 145) tended to increase the Protector's powers, they more than made up for this by treating him as subordinate to, not co-ordinate with, Parliament. The rest of their actions—they never got as far as *acts*—such as the stoppage of Chancery reform, the questioning of all the Acts of the Little Parliament and the overhauling of all the Ordinances issued since the ejection of the Rump, were of a piece with their attitude to the Constitution; and so on Jan. 22nd, 1655, immediately the minimum session of "five months" (interpreted by Cromwell as *lunar* ones) was expired, they were dissolved. Cromwell might have said of this Parliament, as he had said *to* it concerning his earlier Parliament of Saints: "*Nothing was in the hearts and minds of these men but* OVERTURN, OVERTURN."

§ 6. If the Lord Protector's position was attacked by those who could make their voice heard "in a parliamentary

* Vane, Ludlow, and Sidney, as consistent republicans, had declined so much as to be candidates.

† These were: (1) Government by a single Person and Parliament; (2) Parliament not to make itself perpetual; (3) Liberty of Conscience; (4) Control of military forces vested *jointly* in Executive and Parliament.

‡ The chief points in which the Parliament proposed to amend the *Instrument*, as shown in a tabulated form in Prof. Gardiner's *Constitutional Documents*, p. lx.-lxii., are:—

(1) Constitution may be altered by consent of Lord Protector and Parliament.

(2) Councillors: (*a*) to be nominated by L. P. with approbation of P.; (*b*) to resign office unless approved by each new P. within 40 days after meeting; (*c*) to be deprived, in favour of P., of (i) power of electing new L. P.; (ii) power of authorizing L. P. to make War or Peace.

(3) LORD PROTECTOR. His Revenue to be increased to £1,000,000 a year for 5 years, but his control of army to be made more dependent on P. during sessio and on Council during intervals.

(4) Religious Toleration prospectively qualified by permissibility of bills (without L.P.'s consent) in restraint of (*a*) damnable heresies (as defined by L. P. and P.), Atheism, blasphemy, Popery, Prelacy, licentiousness, and profaneness; (*b*) those who publicly maintain anything contrary to the fundamental principles of doctrines publicly professed (as defined by L. P. and P.).

way," his person was threatened on two sides. The Levellers saw in him a renegade, the Royalists a regicide: both thought that in killing him they would be doing God service. As early as May 1654 young Charles had issued a secret proclamation offering £500, a knighthood, and a colonelcy to any one who "by pistol, sword, or poison" should remove "the base mechanic fellow who has usurped the throne." A little later the Leveller's pamphlet appeared speaking of "the free and well-affected People of England" as "now in Armes against the Tyrant Oliver Cromwell, Esq." The two extremes coalesced, but their first plot was spoiled by the arrest of the Leveller Major Wildman in February, and the failure of the Royalists, Sir John Penruddock and Major Wagstaff, to hold Salisbury (March 11th—14th).

Plots and the Majors-General, 1655—1657.

This plot stands above some dozen similar attempts, ending in the execution of about one ringleader per plot and the transportation of many others to Barbados, etc., in being the excuse for putting England for eighteen months under military rule. In August the whole country was mapped out into ten—afterwards thirteen—districts, each under a Major-General, charged with the duties of keeping the peace, especially by the suppression of unlawful assemblies, and of levying a tax for his own maintenance. The appointed tax—which, even under the *Instrument*, was illegal, being without consent of Parliament—is known as the *Decimation*, because it took the shape of a ten per cent. charge on the incomes of Royalists, whether derived from real or personal property. Further, all who had acted against the Protectorate forfeited their estates, and no Royalists might keep arms or ejected ministers or schoolmasters on the premises. Though each of these Majors-General* had a civil commissioner attached to him, the system was quite as arbitrary and quite as much based on a standing-army as any scheme that Strafford had lost his life for essaying to introduce. After being used to influence the elections of 1656 in favour of the Government the Majors-General quietly

* In the spelling of this term and in the account of them Prof. Jenks' luminous essay on the *Constitutional Experiments of the Commonwealth* is followed.

dropped out of sight. They are last heard of in January 1657.

§ 7. About the time that the Second Protectorate Parliament was being elected, a ballad-monger was suggesting that a practical use should be made of Stayner's Spanish bullion which Cromwell was just then carting up to town for advertising and exchequer purposes (§ 4):—

2nd Protectorate Parliament: Session I., Sept. 17th, 1656—June 26th, 1657.

> 'Let the rich ore forthwith be melted down,
> And the State fixed by making him a crown,
> With ermine clad and purple let him hold
> A royal sceptre made of Spanish gold."

The State fixed: it was precisely that which every one wanted, and which could only be attained if a brand-new, criticisable, soldier-made Protector could be turned into a King with the force of a traditional name and of a tradition-loving people at his back. This was the truth taught by everything that had happened since the last Parliament; and so it took formal shape in the *Humble Address* that the Second Protectorate Parliament (from which also some 93 Republicans had been excluded) presented to Cromwell on March 31st, 1657. He probably saw how much strength the crown would bring him, and his family assuredly had no prejudices against figuring as royalties; still he was probably quite honest in saying that he valued the crown in itself but "as a feather in his hat." Though he could probably have carried the Army with him had he accepted, his instinct told him that he was nothing if not the exponent of its political ideas, and on May 8th he finally returned "a polite negative."

Something had to be done to strengthen his position, and so a new Constitution was drawn up which will be seen (pp. 143, 145) to be based on the *Instrument*, but with the general intention of making the Protectorate itself more durable while it lessened the actual powers of the Protector for the time being. To this Constitution Cromwell swore fidelity when on June 26th, 1657, he was a second time installed with great state in Westminster Hall.

The *Petitions and Advice*, May—June, 1657.

The second session of this Parliament was complicated

by the presence of the excluded members, and by the wrangling about precedence with "the Other House" that the Protector had summoned in accordance with the *Humble Petition and Advice*. Hazlerigg was the inventor of what in the political cant of our own day is called "Obstruction": he thought the question of the Other House "might very well be a two months' debate." It was impossible to *do* anything while he was there: it was expressly provided by the new Constitution that none should be excluded; and the Closure was not introduced here till 1881. And so on Feb. 4th, 1658, after a fortnight's debate Cromwell angrily but sadly dissolved his last Parliament. "I would have been glad," he told it, "to have lived under my woodside, to have kept a flock of sheep, rather than undertake such a government as this."

Session II.: Jan. 20th—Feb. 4th, 1658.

§ 8. "Parliaments, like cats, grow curst with age," Charles I. thought. Cromwell's experience had been worse: he had found them "curst" from their youth up to their untimely end. He was in fact as little of the build of a parliamentary ruler as the victim of "Cruel Necessity"* had been. Despite his efforts to be constitutional—to rule with the aid, but not at the dictation, of a Parliament, he could be nothing more than what he often described himself as being—"the Constable set to keep order in the Parish." He was a kind of Wearyworld to the three nations—only he was efficient. This is absolutely proved by the finances of his term of office: the ordinary revenue of the three nations almost doubled itself, while the expenses were reduced, both by carefulness in collecting and by reduction of the standing army, so that the annual deficit was lowered to £300,000, and the standing debt brought down to two and a half millions. The increase in income, obtained without murmurs, shows commercial prosperity, and prosperity is impossible without confidence in the existing government, which confidence is justified by the reduction of the Army and the economy of administration.

Cromwell's Civil Administration.

The rising middle-class was satisfied with the substantial

* The words Cromwell is said to have uttered over the dead body of Charles I.

justice dealt out to all—though there were occasional lapses into arbitrariness after the manner of the Stuarts; with the reform of the law as well as of its working; with the organization of a General Post (which brought in to Government the handsome profit of £15,000); with the regulation of both internal trade and external commerce on a protective system which, if not economically sound, was at least grateful and comforting. Much of this might be said of Charles I.'s Personal Rule and much more than this of Napoleon's; and yet Cromwell's government may be given a higher rank than either of those, for it rested neither on a theory of kingly absolutism which, if anything does, stands condemned at the bar of History, nor on an organized military despotism.

Puritanism in Power.

"Thinkest thou that because thou art virtuous there shall be no more cakes and ale?" Maria's jibe at Malvolio exactly expresses the general feeling of men at the *uncomfortableness* of the Puritan *régime*, which, in Macaulay's words, "proved as intolerable and meddlesome as ever Laud's had been." Both Laud and those who had led the outcry against him were noble-minded; but both tried to force men into sacrifices of pleasure and amusement or prejudices which were, for the general run of men, not to be borne. The latter attempt was more fatal than the former: those who, without inward conviction, outwardly submitted to Laud's ritual regulations became merely disaffected conformists; those who, without inward conviction, outwardly submitted to the Puritan discipline became perforce hypocrites. The one attended a service they did not like: the other pretended to *be* what they were not. It *paid* to wear the garb of Puritanism: it was "prosperous to be just." *

* For instance, by *the Humble Petition and Advice* Parliament was open to "no common scoffer or reviler of religion, or of any person or persons professing thereof; no person that hath married or shall marry a wife of the Popish religion, or hath trained or shall train up his child or children, nor any other child or children under his tuition or government, in the Popish religion, or that shall permit or suffer such child or children to be trained up in the said religion, or hath given his consent or shall give his consent that his son or daughter shall marry any of that religion; no person that shall deny the Scriptures to be the Word of God, or the sacraments, prayer, magistracy, and the ministry to be the Ordinances of God; no common profaner of the Lord's day, no profane swearer or curser, no drunkard or common haunter of taverns or alehouses."

The Church Settlement.

Cromwell's ecclesiastical settlement pleased nobody with decided views: the true Independents could not away with a State Church; the Anglicans found their Prayer Book proscribed and bishops not recognized; and the Presbyterians found no discipline and no synodical action in it. On the other hand, the moderate men of any religious bodies, save Roman Catholics and Socinians, could find room in the Cromwellian Church if they satisfied a very broad doctrinal test (pp. 144-5), did not mind being paid by tithes (instead of directly by the State or by voluntary effort), did not insist on the divine obligation of apostolic succession or government by presbyters, and could either escape the condemnation of the *Ejectors* of Scandalous Ministers appointed by Ordinance of Aug. 1654 or, if candidates for holy orders, gain the approval of the *Triers* appointed five months earlier. Altogether there was as close an adherence to the principle of Religious Liberty as could be expected in the infancy of such a principle set in so many and great dangers. The informal admission of the Jews to England after four centuries of exclusion is another of those indications of widening views of religion of which we find strong forecasts in More and Chillingworth.

Death of Oliver Cromwell, Sept. 3rd, 1658.

§ 9. "All England over, these were halcyon days"; but they were destined to draw to a premature close. Soon after the victory at Mardyke and the planting of his "mastiffs" inside Dunkirk (§ 4), and while fresh offers of the crown in a new Parliament were being talked of, Cromwell lost two of his daughters, and himself finally passed away on the anniversary of Dunbar and Worcester. Bowed with grief, and worn down by war and worry, he fell a comparatively easy victim, in his sixtieth year, to his old malady of ague, culminating in tertian fever.

Political Aspects of Cromwell.

Pym might be President of the Reform and Strafford of the Carlton Club; but the bust of Oliver Cromwell would be as much out of place in any of our political clubs to-day as the Ark of Jehovah was in the temple of Dagon. His share in the dethronement and death of his king puts him out of the Tory and Conservative pale; the dominance of the monar-

chical idea in his mind severs him from the oligarchic Whig; and his absolute lack of taste for ideas forced to premature growth in the hothouse of a revolution marks him out to be no Radical. In his international politics he may be labelled a "Jingo," in his Irish politics a "Unionist" —but only if those terms be transferred to parties based on principles, and not on interests or shibboleths. He was in fact the epitome of all that was best, with a dash of the worst, in all his opponents: he had the domestic virtues, but also the arbitrariness, of Charles; the Parliamentariness, without the intolerance, of the Presbyterians; and the desire for Religious Liberty and civil improvement without the recklessness of the thorough-going Independent and Republican. It was therefore only natural that he should be thought either wicked or lukewarm by men who each fancied they had a monopoly of the whole truth. But his life seems to most men who have studied it deeply that of a sincere and humble man, who, despite appearances, was no self-seeker or hypocrite, and who *felt* himself "ever in the Great Taskmaster's eye." His work will bear most of the orthodox tests of statesmanship, such as Burke's combination of "ability to preserve" with "disposition to improve." The death and personality of Charles I. stand as insuperable obstacles in the way of any universal hero-worship of Oliver Cromwell. To most of us these things do not rest on argument but on sentiment; and most people roughly, but finally, contrast the great regicide and the winsome king in a very young-lady-like way. Charles is a "dear charming fellow"; and Cromwell is a "nasty horrid person."*

Condition of Parties, 1658—1660.

§ 10. The events of the twenty months following Oliver's decease are too complicated to be intelligibly summarised. The Restoration was by no means inevitable; for writing in November 1658 Dryden is obviously without any misapprehension as to the continuance of the Protectorate, and the Royalist risings of August 1659 were easily suppressed,—the only one involving serious fighting being the Cheshire rising crushed

* Mr. Frederic Harrison's *Cromwell* in Messrs. Macmillan's "Twelve English Statesmen" is the best recent biography. See too Carlyle—both *Cromwell's Letters and Speeches* and *Hero-Worship*, Lecture VI.—Mr. Goldwin Smith's *Three English Statesmen*, II., and Guizot, etc.

by Lambert at Winnington Bridge. In point of fact the Restoration was made possible because the King alone could rally round him that majority from amongst the parties into which men were now split which was necessary to the formation of a stable government. Using Continental parlance, there was the RIGHT, embracing the Legitimists and the Moderate Royalists of expediency; the CENTRE, where were massed all those who for lack of a better name we may call Presbyterians, but who must not be credited with the zeal of the Covenanter; while on the LEFT we have in succession the Moderate Republicans headed by Vane and Hazlerigg, united against a Single Person, however various in other matters, the Cromwellians who looked for a leader in Richard Cromwell and found not so much as a figurehead, the Opportunists who were prepared for any non-royal form of government and whose chief personality was Lambert, and finally the Extreme Left, consisting of more or less honest impracticabilities of whom the most noteworthy were Fleetwood and Desborough.

After Richard Cromwell's brief Protectorate—ended by his retirement on May 25th, **1659**, because the restored Rump and the Army were quarrelling and "Queen Dick" could control neither, the combinations and plans of these parties changed like a kaleidoscope. As a matter of fact, of the three Powers existent at the time only one had any solid basis. The platform of the Army consisted of some excellent planks, but they had no undisputed leader; that of the Rump consisted of the veriest matchwood; whilst that which lay hidden in the "General Sense" of the Nation had by the end of **1659** taken pretty definite shape in this single plank—that only by the revival of the Kingship could they find rest from Soldier-rule.

The Year of Anarchy, May 1659—May 1660: George Monk.

§ 11. Of this last Monk, the General in Scotland, constituted himself the champion. He was a good soldier and administrator, but no statesman. He was familiarly known as "Honest George" —a *sobriquet* which fits in much better with a kind of dull integrity than with the masterly time-serving he is ordinarily accused of—with a fixed notion that the military power ought to obey the civil power.

On New Year's Day 1660, after "garbling" his army and making things all right behind him, he crossed the Tweed in search of the true civil power. He was well received everywhere, for the English armies had absolutely fallen to pieces, and on Feb. 3rd he reached London. All this time he was under the impression that the Rump was the civil power, but finding that the Rump meant to get rid of him as soon as they felt it safe to do so, he joined the malcontent city and revived the old Presbyterian cry of 1647 for "a free Parliament" (ch. V. § 13). He made the Rump recall the 205 survivors of the members "secluded" by Colonel Pride (Feb. 21st), and induced this restored Long Parliament to issue writs for the election of a new Parliament, and finally to dissolve itself on March 16th.

The ensuing month was the decisive month. The English Army saw their game was up and quietly dispersed; the constituencies went almost solid for candidates known to favour a restoration in some form or other; and Monk was anxiously removing obstacles from the way of Charles' return; and on April 14th the young Prince signed the famous *Declaration of Breda*. The exact terms offered are of great importance:—

The *Declaration of Breda*, April 14th, 1660.

(1) A free and general pardon, which we are ready upon demand to pass under our Great Seal of England, to all our subjects who within 40 days after the publishing hereof shall lay hold upon this our grace and favour: *excepting only such persons as shall hereafter be excepted by Parliament.*

(2) "That, upon the word of a king, no crime whatsoever, committed against us or our royal father before the publication of this, shall ever rise in judgment against any of them to the least endamagement of them in their lives, liberties, or estates or (as far forth as lies in our power) so much as to the prejudice of their reputations."

(3) To consent to an Act of Parliament granting liberty to tender consciences; that no man shall be disquieted or called in question for differences of opinion in matters of religion, which do not disturb the peace of the kingdoms.

(4) That all differences relating to grants, sales, and purchases of estates made to and by officers, soldiers, and others shall be determined in Parliament, which can best provide for the just satisfaction of all men who are concerned.

(5) To consent to Act of Parliament for the above purposes and for the full satisfaction of all arrears due to the officers and soldiers of Monk's army; "and that they shall be received into our service upon as good pay and conditions as they now enjoy."

The Restoration: May 29th, 1660.

The Convention Parliament—so called because it lacked the royal summons—met on April 25th; on May 1st it received, by Monk's connivance, the *Declaration of Breda* and resolved "that according to the ancient and fundamental laws of this kingdom the Government is, and ought to be, by King, Lords, and Commons." On May 25th Charles was met at Dover by Monk; and four days later, on his thirtieth birthday, he made a triumphant entry into London.

Summary of events leading up to the Restoration.

I. PROTECTORATE OF RICHARD CROMWELL, **Sept. 3, 1658—May 25, 1659.** Fleetwood, Lt.-Gen.; Henry Cromwell, Lord-Lt. of Ireland.

(1) Jan. 27—April 22, 1659. *Third Protectorate Parliament.* Old basis, but with Scottish and Irish assessors and Cromwellian "Other House." Attacks Council of Officers. Dissolved under pressure from (*a*) Vane, Hazlerigg, (*b*) Fleetwood, Desborough.

(2) May 25. *Retirement of "Tumble-Down Dick"* in consequence of the hostility of the Rump. End of Protectorate, and renewal of efforts to set up a Parliamentary Republic.

II. THE YEAR OF ANARCHY, **May 25, 1659—May 25, 1660.**

(1) May 7—Oct. 13, 1659. *First Restoration of the Rump.*
- (*a*) Members (42) recalled by Council of Officers: later 77.
- (*b*) Government in hands first of Comm. of Safety (11), later of Council of State (31): generally recognized.
- (*c*) Assertion of Parliamentary control over Army.
- (*d*) Aug. 19. Lambert's Northern Brigade crushes Booth.
- (*e*) Oct. 13. Ejection of Rump by Lambert, for appointing seven Army Commissioners (Fleetwood, Monk, Ludlow, Hazlerigg, etc.), and trying to repeal all laws made since April 1653.

(2) Oct. 26—Dec. 31. *Rule of Republican Committee of Safety:* 23, including Vane, Harrington, Ludlow. Fleetwood = Comm.-in-Chief; Lambert = Maj.-Gen. They fail to secure Scotland.

(3) Dec. 26—March 16, 1660. *Second Restoration of the Rump.*
- (*a*) Jan. 1—Feb. 3. Monk's march from Coldstream to London.
- (*b*) Feb. 12. Monk takes sides with City, which had refused to pay taxes without representation.

(4) Feb. 21—March 16. *Restoration of the full Long Parliament.* Monk made Captain-General; New Council of State (including Monk, Fairfax, Holles, Waller, Maynard, St. John).
- (*a*) Acceptance of Westminster Confession; Promulgation of the Covenant; and Establishment of Presbyterianism.
- (*b*) March 16. The Long Parliament dissolves itself.

(5) March 16—April 25. *The Decisive Interval.* Desborough's Anarchist rising in Wales; Lambert's Escape and Capture.

(6) April 25. *Convention assembles* on the summons of "the Keepers of the Liberties of the Commonwealth of England."

CHAPTER VIII.

CHARLES II.—KING, PARLIAMENT, AND NONCONFORMISTS, 1660—1670.

§ 1. The Restoration of 1660: what was it?—§ 2. The "Restored" King and the "Restored" Kingship: the Contrast between 1640 and 1660.—§ 3. The "Restored" Parliament: its Internal Organization and its Attitude towards King and People.—§ 4. The "Restored" Church: its Relation to the State and its Relation to the Nation; *Nonconformity*.—§ 5. Scotland under the Commonwealth and the Restoration.—§ 6. The Work of the "Healing" Parliament, May 29th—Dec. 29th, 1660: Regicides, Lands, and Revenue.—§ 7. Career of the Long Parliament of the Restoration, from Start to Finish, May 8th, 1661—Jan. 24th, 1679.—§ 8. Dryden's *Annus Mirabilis* and the First Dutch War of the Restoration, 1664—1667.—§ 9. The Policy and Fall of Clarendon, 1660—1667.—§ 10. The Cabal: what it was and what it wanted.—§ 11. The Secret Treaty of Dover, June 1st, 1670.

Some Uses of "the Great Rebellion."

§ 1. The year **1660** saw King and Church, Lords and Commons, back again—"just the same as ever" to all appearance. These twenty years of revolution had made no difference, it would seem, in the Constitution: the guarantees against Laudism and Straffordism which had been suggested in the Convention Parliament by Presbyterian members who clung to the Treaty of Newport (ch. V. § 13) had at the urgent instance of the City come to nothing; and the King returned unfettered save by his own cunningly conditional promises contained in the Declaration of Breda. But Charles II. was not only unfettered, he was, apparently, free to do whatever he liked. He was more popular than any English king had been since Elizabeth in **1588**: had not a miller burnt his mill as a bonfire to light the royal road to London? The well-to-do classes, weary of the domination of an army and a Puritan monarchy, looked to

him for peace and quiet. The "natural" man everywhere anticipated a relaxation of the tiresome requirements of respectability: had not Charles, when a young man in the hands of the Covenanters, had a surfeit of godliness? On the other hand the steady-going Puritan hoped for much from a man who had experienced the "sweet uses of adversity." Besides, had not the King told the men of Dover that "the Bible was the thing he loved above all things in the world"? and had he not assured the London presbyters that the Bible they gave him should be "the rule of all his actions"?

"Restoration is always Revolution," says Mommsen; and so it proved now. The Kingship was "restored," but it was not the old Kingship: not the Kingship by Divine Right which James I. and Charles I. had maintained, still less the Tudor dictatorship, but a *new* Kingship because governing necessarily in presence of a Parliament. And the Parliament thus "restored" was not the old Parliament: it soon developed a capacity for being bribed and otherwise managed by royal influence. Episcopacy was "restored" as the government of the English Church, but with bishops who, though lineal successors of the old episcopate that had claimed divine sanction, were as Protestant as the utmost Puritan could desire, and preached absolute surrender to the lay power. Let us look a little closer into this.

The Restored King and Kingship.

§ 2. Both the King and the Kingship were very different in 1661 from what they had been in 1641. Charles II. was what is called a practical man. His father had been a doctrinaire, a man who actually gave up his life for what he believed to be right: his son, a man of much greater ability and geniality, was a politician sharing to the full that "cosmopolitan indifference to constitutions and religions" that Ranke notes as one of the characteristics of the coming-time, and ready to give up anything for his own convenience. He might have stated his guiding rule in the words of the Greek Emperor of old: "*I will in all things avoid the example of my father.*" This was the man who came to the throne amid such a din of bells and blaze of bonfires that he

seemed omnipotent. But after all he was restored on sufferance: though he dated his Declaration from Breda "in the twelfth year of our reign"—thus practically wiping out of our national reckoning everything that had happened since Jan. 30th, 1649—the crown he wore was not the same as his father's. Not only did he confirm the Great Charter and the Petition of Right on the day he arrived in London, but he found that practically all the restraints on the Prerogative to which the Long Parliament had obtained his father's consent during its first session were to be considered binding on him.* The taxative powers for which his father had striven were quite beyond his reach; there was hardly a thought of restoring the powers of "administrative Justice" that his father had had in the Star Chamber, and in its kindred courts†; and above all he had to rule with a Parliament, which, as he could neither intimidate nor dispense with it, he had to "*influence*."

The Parliament of the Restoration.

§ 3. If the Commonwealth had proved the necessity of the King, the struggle which led up to it had assured the existence of Parliament and had given it a taste for, and some practice in, governing. Doubtless in 1660 it looked a sweet-tempered tame creature with a pretty habit of saying *Please!*, yet it was a king-devouring beast after all, with a nasty habit of showing its teeth when crossed. The gushing loyalty of 1660 involved no self-sacrifice on the part of Parliament. All that was undone was the work of the revolutionary reformers—the mere theorists with an un-English habit of turning their back on precedent, the determined minority who were too far ahead of their times to carry the mass of the nation with them and too divided to force their will on the majority. And so in punishing the Regicides Parliament was not only asserting the inviolability of the Kingship but punishing the supporters of Colonel Pride's outrage on Parliamentary liberties; and yet the propertied classes insisted on being handsomely rewarded for their services by

* Of the 38 acts on the statute-roll for the session of 1640-1—down to the Attainder of Strafford—only 5 were repealed at the Restoration; and the Triennial Act, the only important one of these 5, was in part retained.

† The power of administrative arrest, *per speciale mandatum regis*, issued by the Privy Council, did not finally disappear till the Habeas Corpus Act of 1679.

obtaining relief from feudal dues which no longer stood for duties or had a *quid pro quo* in benefits received (§ 6). Again, in 1664 Charles II.'s Second Parliament repealed the Triennial Act of 1641 (ch. IV. § 5) to all appearance as a vindication of the Prerogative but practically in a spirit of self-preservation; and at the same time it took care to secure, so far as laws can, regularity, or at least non-intermission, in the summoning of Parliaments.

The Form of the Restoration Parliament.

The reign of Charles II. is a landmark in the history of Parliament in at least two crucial points: its internal organization attained a fixity which it had never known before and which was to last for a hundred and fifty years; and it acquired a self-sufficiency which was the natural outcome of its recent hard treatment. The former of these two changes is a direct answer to the movements we have noticed under the Commonwealth (pp. 142—145 *sub* "I."): the attempt to better was met by the determination to "leave well alone." Parliament had been reduced to a single chamber, and that single chamber had been reformed by modifications of the franchise, redistribution of seats, and a recognition in theory —circumstances would not allow it to be fully practised —that Parliament was only the mouthpiece of the nation, not a self-dependent institution. Observe what takes place now. The House of Lords is restored with greater emphasis than ever on the hereditary-right notion that had become embodied in the greater portion of it. Still, on the whole, it had less weight than the House of Commons. At any rate the Lords win only in one quarrel of the reign: in the case of *Shirley* v. *Fagg* (1675) they practically secure the right of hearing appeals in cases of equity. On the other hand they fail to establish an original civil jurisdiction (*Skinner's Case*, 1668-9), and allow the Commons' contention in 1671 that not only may they not introduce money-bills—this they had conceded in the Short Parliament of 1640—but they may not amend them. The "Upper House" is tending in fact to become more and more simply "the Other House." Further, this House of Commons acquires greater definiteness than ever during this reign. Down to Stuart times, its numbers, in either direc

tion, had varied almost at the caprice of the Crown. In James I.'s time the Crown's power of docking its numbers had been ended by the decision that a constituency once summoned to send representatives had the right always.* The Crown's power of summoning fresh constituencies to return members—whereby the Commons had increased from 298 in 1529 to 507 in 1629—now came to a sudden stop with the summons of the City and County of Durham in 1573 and of the borough of Newark in 1578. Thereafter, until the Reform Bill of 1832 the members of the Commons for England and Wales numbered 513, and the members added for Scotland in 1707 and Ireland in 1801 were not forced on it from outside but taken to it by its own act. Amongst the results of this was that the King had to "persuade" existing members or constituencies to support him instead of going to new ones (ch. IX. § 7).

The Commons, the Crown, and the Crowd.

Moreover, the body thus compacted had small inclination to be interfered with from outside. Itself rebuked in 1621 for meddling with "mysteries of State," it now tried to protect itself from being "heckled" in the way in which the Parliaments of the Commonwealth had been (cf. ch. IV. § 1). In 1661 it passed an Act against *Tumultuous Petitioning*† which was designed to put a stop to one form of external pressure; and in 1662 it revived those laws for the *Licensing of the Press*‡ against which Milton had wielded his pen twenty years before (ch. V. § 10). But while resenting supervision by others, it claimed new powers of supervision for itself. In 1665-7 it reasserted the powers of *Appropriation* and *Audit* which were required to give it full control over the Finance of the Realm; and though these practices were

* The same principle was asserted by the Lords in the first year of Charles I. They would not sit until the King sent the usual summons to the Earl of Bristol.

† This Statute (13 Cha. II. st. 1, c. 5) enacted that no petition to the King or either House of Parliament for alteration of matters established by law in Church or State (unless the contents had been previously approved by 3 J.P.'s or by the Grand Jury of the County) should be signed by more than 20, or delivered by more than 10, persons, under penalty of £100 fine and 3 months' imprisonment.

‡ This Statute (13 & 14 Cha. II. c. 33) restricted the number of master printers to 20, and their operations to London, York, and the two Universities; no private person to print any book or pamphlet unless licensed by a set authority (*e.g.* Lord Chancellor or a Judge for law-books, Secretary of State for historical or political books), under various penalties ranging from fines and imprisonment to the pillory, mutilation, or hanging.

not regularly used till after the Revolution, still the very suggestion of them was going far beyond the old cry of "Grievances before Supply" which had wrecked the Short Parliament. It asserted its control over the Executive by the waning negative method of Impeachment (*e.g.* **1667, 1678**); and if, in **1661**, it repudiated sole legislative authority for itself (§ 7), still less would it brook the assumption of semi-legislative powers by the Crown alone—as asserted in Charles's attempts in **1662** and **1672** to *dispense with* or even *suspend* the whole of the coercive religious statutes in force.

The Church and the Parliament: Erastianism.

§ 4. The Church had been governed by bishops at the nods, oft conflicting with one another, of King and Pope down to **1534**, and thence at the nod, oft conflicting with itself, of the King. Henry VIII.'s Parliaments had done his will with regard to the Church because they liked part of his legislation more than they disliked the other part. Charles I. and his Parliaments had been wholly at loggerheads on ecclesiastical questions, and Charles I. could not conscientiously give way. Charles II. at first allowed his Parliament to have its own way because it was more or less his way. Later, in the interests of Roman Catholicism, he tried to get his own way—viz., *Toleration* or *Indulgence* for all who were not Anglicans—but was acute enough to see that if he did really try he would "go on his travels again"—as his brother actually did in **1688** for the selfsame cause. He therefore, not thinking a mass worth a kingdom, left the Royal Supremacy over the Church to be exercised by Parliament.

There were two enduring results of this, and it is these that constitute the permanent momentousness of the Restoration Settlement. In the first place—though the effects did not come to light at once—the Church fell in outward appearance to the position of a department of the Civil Service with state-made laws and state-appointed officers. The cession by Archbishop Sheldon in **1664** of the right of the clergy to tax themselves in their own Convocations, however good in itself, was but a prelude to the loss by the Church of her ancient powers of legislating for

herself in her two provincial synods (1717). A great deal of the religious and moral torpor of the Eighteenth Century whence sprang the need for the Wesleys, Simeon, and the Tractarians may be fairly put down to this Erastianism.

The Rise and Meaning of *Nonconformity.*

The second result was almost immediate, and the good or evil of it is a highly controversial matter. The National Church ceased to be in actual fact what it still is in legal theory—the religious corporation of which every Englishman is a member as he is secularly of the State. The Church had tried to force men to outward conformity before the violent activity in religious matters of the past twenty years; and it had not been so gently treated as to make it disposed to win the waverers by compromise. Doubtless the Congregationalists with their love of autonomy, and the various sects each with their one idea, were Irreconcilables; but it seems pretty clear that English Presbyterians might have been retained in their obedience to the Church as easily as in their allegiance to the Kingship. They were not, as has been before stated, so clear cut in their views as those of Scotland: all they wanted was the limitation of the authority of the bishop by a council of presbyters—which was simply strengthening the traditional synodical action of the English Church—and the making of certain symbols prescribed in the Prayer Book optional instead of obligatory. It was not to be: and the Preface to the *Book of Common Prayer* gives the reason. In place of the "discontented conformists" whom we have seen existing within even the Church of the Middle Ages there was henceforth to be a large minority outside the Church who would not take part in its services or recognize its authority, and who are therefore known as *Nonconformists.*

The Clarendon Code, 1661–1664.

It was impossible, men thought, to have some clergymen using the Prayer Book, others denouncing it; to have some episcopally ordained, others despising such ordination. The officers of the Church, bishops and priests, must be of one mind. It was equally impossible that secular power should be entrusted to those who held opinions which they were bound officially to put down as illegal. From these principles came the four measures known as the "Clarendon Code." These were directed, some

against the church-officers, some against the laity, amongst the Presbyterians and Congregationalists. The first of the series, the *Corporation Act* (1661) excluded members of the defeated parties from lay offices. The third, the *Conventicle Act* (1664), was likewise aimed at the laity by laying down penalties against all who attended a service held otherwise than as directed in the second and most important Act of the series, the *Act of Uniformity* (1662). This last had driven all ministers who would not assent to everything contained in the Prayer Book (estimated variously at from 800 to 2,000) to resign their livings. The fourth Act, the *Five-Mile Act* (1665) forbade these ejected ministers their only means of livelihood: they were neither to teach nor to preach. And so it has the appearance of being spiteful, whilst the preceding measures are simply ecclesiastical illustrations of the party system which is known in American politics to-day by the cry, "The spoils to the victor." *

The Scottish Restoration, 1660—1670.

§ 5. The religious reaction was carried to much further lengths in Scotland. The Scottish Presbyterians had earned and received severer punishment than those in England: their grudging and bargained services to the Royal cause in 1648, 1650–1, and in bringing about the Restoration, were of less account

* The provisions of these acts are, more precisely, as follows:—

(1) Corporation Act, 1661 [13 Cha. II. st. 2, c. 1]: All officers of corporations (*a*) to receive the sacrament according to the rites of the Church of England within twelve months of election; (*b*) renounce Solemn League and Covenant; (*c*) take the oaths of supremacy, allegiance, and non-resistance (*i.e.* abjure "the traitorous position of the legality of taking arms by the King's authority against him and his officers"). Repealed 1872, but legally evaded after 1727.

(2) (Fourth) Act of Uniformity, Feb. 1662 [14 Cha. II. c. 4]: (i) Every minister to (*a*) use Prayer Book, and nothing else, in Church services (penalty £5), and (*b*) to declare his unfeigned consent and assent to everything therein contained (existing benefice-holders to do so before S. Bartholomew's Day), (*c*) to have episcopal ordination. (ii) Fellows of colleges, ministers, and schoolmasters to fulfil requirements (*b*) and (*c*) of Corporation Act. (iii) Heads of Colleges and Lecturers to subscribe to the XXXIX. Articles and declare their assent to the Book of Common Prayer. Partly repealed *temp.* Victoria.

(3) Conventicle Act, May 1664 [16 Cha. II. c. 4]: (*a*) All religious meetings, not conducted in accordance with the practice of the Church of England, and attended by more than five persons beyond the family, declared seditious assemblies; (*b*) every person present liable, on simple conviction before a J.P., to 3 months' imprisonment for the first offence, 6 months for the second, and 7 years' transportation for the third. Repealed 1853.

(4) Five Mile Act, Oct. 1665 [17 Cha. II. c. 2]: Nonconforming ministers not (*a*) to reside within 5 miles of any corporate town or parliamentary borough or place where they had held living (penalty £40 and 6 months); (*b*) to act as teachers or tutors without having taken the oath of Non-resistance, and sworn not to attempt to subvert the constitution in Church or State.

than the fact that it was from their National Covenant that the armed uprising of both nations had sprung. Scotland had been relieved of many burdens under the Commonwealth: it had been admitted to free trade with England, and to the same trade facilities as England enjoyed with other countries; it had been freed from all feudal dues and services; and in fact had been so well governed by Monk that even the royalist bishop Burnet was forced to allow that "there was justice done, and vice was suppressed and punished so that we always reckon the eight years of usurpation a time of peace and prosperity." But these material benefits were as nothing compared with the "subjection" (as it seemed) to England involved in that parliamentary Union which was consummated by Oliver's Ordinance of April 12th, 1654 (cf. ch. VI. § 8). On the Restoration that Union was treated as of none effect; but if the Scottish nation thereby regained its formal independence, it lost its Presbyterian Church-government. The royal proclamation graciously authorising the established religion was so timed that it arrived after all measures dealing with religion since the act finally fixing the establishment of Episcopacy in 1633 had been repealed by the *Act Rescissory* of 1662. The cleavage had been made fixed there as here; but not till after the Revolution of 1688-9 was the religion of the majority "established" in Scotland as it was in England in 1662, or in other words it was not till 1690 that Anglicans became "Nonconformists" in Scotland. Argyll was beheaded in 1661, and the chiefs of his party either lay low or seceded, and the Covenanters narrowed down from the national party to bitter congregations scattered through the Lowlands. In the year 1666 some of these combined to march on Edinburgh; but they were routed at Rullion Green in the Pentlands, and repression deepened into persecution. Even the Irish fared better (ch. XVI.).

The Work of the Convention, June—December 1660.

§ 6. We can now turn from this sketch of the Restoration Constitution to trace the actual progress of affairs. The Convention which Charles found sitting had to deal both with the past and with the future. On the one hand, it had to decide on the extent of the indemnity for life, liberty, and property

Charles had promised; on the other, it had to settle the Church and the revenue.

(i) The exceptions to the general pardon had, before the King's arrival, been fixed at seven, but his manifest desire to punish at least those who had taken any part in the trial and death of his father soon led to the increase of this number. The Lords wished all the "Regicides"* to be excepted, though the King after his landing had issued a proclamation that distinctly implied pardon to all such of these as should surrender within fourteen days. The Commons resisted this breach of faith; and, when they *did* give their assent, provided that any sentence against them should require a special Act of Parliament to render it valid. A complicated Bill of Indemnity became law on Aug. 29th, and in October trials began to be held by a Commission of 34 members, amongst whom were many old friends of the prisoners, such as Monk (now Duke of Albemarle) and Ashley Cooper. Finally, thirteen were beheaded, nineteen imprisoned for life; and two years afterwards Lambert and Vane—for whom the Convention had specially interceded — were sentenced, the one to imprisonment for life, the other to execution. Moreover, the bodies of Cromwell, Ireton, Bradshaw, and Pride were dug up and hanged in coffins at Tyburn; and the bodies of Blake and Pym cast out of Westminster Abbey.

(ii) The question of the legality of land transfers "during the late troubles" was practically insoluble in a Parliament which was fairly evenly divided between those who had gained and those who had lost by them. The Bill of Sales fell through, and finally cases were left to be settled by the Law-Courts. The land thus dealt with included both Crown- and Church-lands sold by the late Government, as well as private estates of Royalists which had either been sequestrated and sold by the State, or realized by themselves to avoid being sold up. The sales effected by the late Government were regarded as sharing in the invalidity of the Government, and the new owners

* The Commons included in this category 84 persons—viz. the 67 judges who had signed the death-warrant, 11 others who had frequently attended, 4 officers of the High Court of Justice, and 2 executioners.

were dispossessed without any indemnification. Clarendon's insistence on the sanctity of private contract caused voluntary sales to be held good; and it was this, combined with the non-recovery of revenues for the years when they had been deprived of possession, that gave rise to the Royalist epigram on the land settlement: "indemnity to the King's enemies, and oblivion to his friends."

(iii) The Convention provided the King with an annual revenue of £1,200,000 *for life*—an act of liberality which might have rendered the calling of Parliament unnecessary, had either Charles been economical or the taxes on which it was secured been equal to the estimate. These were Customs-duties of various kinds (including the old Tunnage and Poundage on certain imports), and a new Excise on beer. This last—a financial expedient which the Long Parliament had in 1643 borrowed from the Dutch, producing about £100,000—was given as compensation for the King's surrender of certain rights flowing from the military tenure of land.* It was all but the last relic of the feudal conception of the King as supreme landowner, who granted land to his vassals on condition that they rendered certain military services, demanding *reliefs* as the price of continuing the grant to the heir on the death of the original grantee, and, in the case of a minority, enjoying the right of *wardship* in lieu of the services which the youth of the heir made him unable to perform. Attempts had been made both in James I.'s and in Charles I.'s reign to abolish a system which was obsolete save in its burdens; and it was now felt to be ridiculous to revive a mass of exactions and interferences which had been intermitted since 1645. As we have seen, the gentry, for whose relief the measure was designed, contrived, by rejecting the proposed land-tax in favour of an excise, to shift from themselves to the shoulders of the general community a portion of the substituted payments (cf. § 3).

A large saving in expenditure was effected by the paying off and disbanding of Monk's army. By the advice of the

* Technically speaking the change effected by 12 Cha. II. c. 24 was the conversion of all tenures *by knight service* into *free and common socage*. Digby, *Hist. of Law of Real Property*, pp. 351-355. The same statute abolished the old prerogatives of *Purveyance* and *Pre-emption* (cf. ch. I., § 17).

Duke of York, and in consequence of the alarm caused by a rising of Colonel Venner, a Fifth-Monarchist, in Jan. 1661, two regiments—one the famous "Coldstream Guards"—were retained under arms in England, while a third was left to garrison at first Dunkirk, later Tangier. These were the nucleus of that standing-army whose formation and growth were so steadily opposed, both by the Whig, who feared it might be used to further absolutism, and by the Tory, who remembered how his Cavalier father had given way before the Roundhead soldiery.

The Army.

§ 7. On Dec. 29th the King dissolved the Convention, calling it "the Healing and Blessed Parliament"; and early in the following May Charles II.'s Second Parliament first assembled. In the Convention, the two sections of the Centre which had brought about the Restoration had been pretty evenly divided; in this new Parliament the Cavaliers numbered nine-tenths of the whole body. The result of this we have already seen in their settlement of the Church (§ 4): the Presbyterian compromise of a modified episcopacy, as suggested in August 1641, and now formulated by certain Churchmen as "Bishop Ussher's Model," had no chance either in Parliament or in the Savoy Conference of Divines which was held from April to July, 1661, to consider the "liberty for tender consciences" provisionally promised in the Declaration of Breda (ch. VII. § 11). We have traced too the line this Parliament took up in political matters both in its earlier days and later. The eighteen years of its duration—whence it has been called "the Long Parliament of the Restoration"—were years of disillusionment. In its earlier years it was, as Macaulay well says, "more zealous for royalty than the King, more zealous for episcopacy than the bishops." During its first session, while confirming the acts of the "Healing" Parliament, it declared that there "was no legislative power in either or both Houses without the King; that the Solemn League and Covenant was unlawfully imposed; that the sole supreme command of the militia and of all forces by sea and land had ever been by the laws of England the undoubted right of the Crown (ctr. ch. IV.

The "Long Parliament of the Restoration," May 8th, 1661—Jan. 24th, 1679.

§ 12); and that neither House of Parliament could pretend to it, or could lawfully levy any war, offensive or defensive, against His Majesty." No wonder that, when three years later the partial repeal of the Triennial Act was under discussion, Charles declared that "he loved Parliaments, and did not think the Crown could ever be happy without frequent Parliaments."

The interest of the greater part of the reign lies in tracing how, despite itself, this "Cavalier" Parliament lost the impulsive loyalty which gave it its earlier *sobriquet* and required that careful nursing and manipulation which, under Danby, earned for it the less enviable name of "Pension" Parliament; until at last in Jan. 1679, after passing several measures to defend the Church against the King, present or future, who was nominally its Supreme Governor, it was dissolved for persisting in the impeachment of a minister who was, far more than Strafford had ever been, the direct instrument of the King's will.

§ 8. For five years the settlement of the Constitution in Church and State had been going on—satisfactorily enough for such as were not Non-conformists. But before the last act of the Clarendon Code became law, a long series of misfortunes had begun. Trade had been bad and rents had fallen twenty-five per cent., when to increase the distress there came on a disastrous war and a devastating epidemic. This epidemic was the last of our great plagues, but it is only because it has had in Defoe * a narrator who could hardly have attained greater truthfulness and verisimilitude had he really been an eye-witness that it seems to us the greatest of them. The frequency of such visitations—Wood notes forty-nine outbreaks at Oxford in thirty-five years—and their destructiveness—that of 1517 carried off half the population of London, and 30,000 Londoners fell before each of the plagues of 1604 and 1625—are alike attributable to that total absence of sanitation which Macaulay has depicted in his famous third chapter, and which has been and is being slowly remedied by the efforts of men like those who founded

The *Annus Mirabilis*, 1665-6.

* Read his *Journal of the Plague Year*.

the Royal Society in 1661. The "Great" Plague of London lasted eighteen months, from Nov. 1664 to May 1666, and killed 100,000 in the capital alone. It was followed in Sept. 1666 by the Great Fire, which breaking out in Pudding Lane, near the spot where its "Monument" now stands, spread so that in three days it burnt down some £10,000,000 worth of houses and churches extending from the Temple to the Tower, and from the river as far north as the present line of the Metropolitan Railway: 350 acres, or four-fifths of the London of that day, "could be compared (were it not for the rubbish) to nothing more than an open field." The only consolation was that the Fire burnt out not only the infection but to some extent the possibilities of future infection, and that it caused the rebuilding of London on a larger scale under the direction of Christopher Wren, the architect of new S. Paul's.

First Dutch War of the Restoration, 1664—1667.

Meanwhile "our second Punic war"—with Holland—was going on. Commercial disputes had led to fighting so early as 1664 in Guinea—where the Dutch seized our African Company's factories—and on the American seaboard, where we seized New Amsterdam and other Dutch settlements on the Hudson that were wedged in between our colonies in New England and in Virginia. War was formally declared in March 1665: besides our attempts to enforce the Navigation Act—re-enacted in 1660—and to secure the cession of Pularoon as promised in 1654 (ch. VI. § 6), Charles had a personal grievance in the exclusion of his nephew William of Orange from public affairs by the Republican party which, under the leadership of the Grand Pensionary John De Witt, was now predominant in the Provinces. The war was "managed," says a contemporary, "more carelessly and prodigally than any ever was before." A large part of the liberal supplies granted to Charles was intercepted by Lady Castlemaine and other the King's mistresses; and so the English fleet was not kept up to its high standard of efficiency in ships and guns. English sailors deserted to the Dutch because they did not get their pay at home. And on the whole the great victory won by Albemarle and Rupert in July 1666 off Thames Mouth

was more than counterbalanced by the ravages of the Dutch in the Medway and blockade of London during the following June.* This last event quickened the English negotiators already in session, as much as the beginning of Louis's "War of Devolution" against Spain, and his invasion of Flanders, had quickened the Dutch diplomatists; and by the *Treaty of Breda*, July 31st, 1667, England secured peace, not only with the States-General but also with the Powers which since Jan. 1666 had been allied against her—France and Denmark.

i. *Restorations*: Antigua, St. Kitts, and Montserrat to England; Acadie (Nova Scotia) to France.

ii. *Retentions*: Dutch keep Pularoon and Surinam; English keep New York (*alias* New Amsterdam) and New Jersey (*alias* New Sweden).

iii. *Trade*: the Navigation Act modified in favour of the Dutch.

Some Domestic Effects of the War.

§ 9. "Every one nowadays," says Pepys, "reflects upon Oliver, and commends him, what brave things he did, and made all the neighbouring princes fear him." The discontent showed itself in several forms. During the war it made itself manifest when the Commons (though with Charles's approval) appropriated £1,250,000 to the war alone (1665), and appointed commissioners in 1667 to audit the Naval accounts (*supra*, § 3). Moreover the once solid Cavalier party began to part into the Court and the Country parties. Then too, immediately after the war, and largely in consequence of its ill success, came on Aug. 30th the dismissal of Clarendon.

Policy of Clarendon, 1660—1667.

We have seen how Clarendon, then Hyde, took sides with Charles I. at the time of the Grand Remonstrance (ch. IV. §§ 7—9). The ostensible legality of Charles I.'s actions, as contrasted with the novel if not revolutionary methods of the Parliament,

* The chief battles of this war—the earlier ones are described in Dryden's *Annus Mirabilis*—were:—

1665, June 3.	*Solebay* (near Lowestoft): York with loss of 1 ship and 700 men defeats Opdam with loss of 18 ships and 7,000 men.
,, Aug. 3.	*Bergen* (in Norway): Sandwich attempts the Dutch Smyrna fleet, protected by De Witt and the Danes.
1666, June 1—4.	*The Downs*: Albemarle with 54 vessels attacks De Ruyter with 80; he is joined on the third day by Rupert with 20, and both withdraw.
,, July 25, 26.	*Thamesmouth*: defeat of the Dutch.
,, August.	Albemarle captures 160 merchantmen and Brandaris on the Dutch coast.
1667, May—June.	Dutch in the Medway; Sheerness and Chatham taken.

and his staunch adherence to Episcopacy, as against the Presbyterians and the sects, had equally helped to decide the position of Hyde: he was above all things a lawyer and a Churchman. He was for years the chief adviser to Charles I.'s son, and at the Restoration received an earldom and the Great Seal, and, as his only possible rival, Albemarle, "knew little and cared less about politics," he quickly attained the leading place in the King's Privy Council. The Church policy above described (§§ 4, 7) was practically his; in secular home politics he wanted above all things to keep both King and Parliament from trespassing on each other's domain; in foreign politics, he was for close alliance with France. Accordingly he had, in 1662, got Charles married to Katharine of Braganza—whose country of Portugal had been in 1640 delivered from the yoke of Spain by French help—and sold Dunkirk and Mardyke to Louis for some £200,000.

Fall and Flight of Clarendon, 1667.

He was a good man of business and a loyal minister; but not a great statesman nor a popular politician. He looked back regretfully on the constitutional and international system of Elizabeth's days, and became a pillar of salt—a monument of the past more than a guide for the future. Offensive to the Presbyterians for his religious legislation, to the Royalists for his honest adhesion to the Act of Indemnity (§ 6), to Charles for his rigid disapproval of the licence of the Court, he seemed a suitable scapegoat for the disasters of the Dutch war. He had taken no pains to conciliate such influential persons as Lady Castlemaine and the Duke of Buckingham; and Parliament was not greatly enamoured of a man who said that "its power was more, or less, or nothing, as the King pleased to make it." Thus, though an attack by Lord Bristol in 1663 was beaten off, he stood isolated when, on Oct. 10th, 1667, he was impeached at the bar of the Lords. Of the twenty-one articles exhibited against him, only one—"the imprisonment of His Majesty's subjects in remote islands, garrisons, and other places"—was of serious weight; but, at the advice of Charles, he fled next month to France, and consoled himself for the formal sentence of banishment which followed him with the unfailing recreation of the fallen statesman—literature.

The Cabal and its Members, 1667—1670.

§ 10. Amongst those who were in the Council at Clarendon's fall, or who were soon afterwards called to it, there came to the surface a batch of five who formed the committee of foreign affairs. Charles did not take kindly to the long-windedness of the full Privy Council, and so, availing himself of its constitutional usage of working by committees, he got into the habit of consulting this group only. The practice had been known before and was not liked: it was "unconstitutional"—it was like that desertion by the King of his "natural" counsellors which had cost Edward II. his life. Hence such groups of ministers "in the know" were called, more or less spitefully, *juntos* and *cabals*. "By a whimsical coincidence" the initials of the group just mentioned—Clifford, Arlington, Buckingham, Ashley, and Lauderdale—spelt the word CABAL, and thus they are known to history as "*the* Cabal"; and as they were not very clean-handed or over successful, the term acquired more than ever a sinister meaning (ch. xiii. § 2).

They did not form a "Cabinet," any more than Clarendon was "Prime Minister," in the modern sense of the word. A Cabinet is quite as *illegal* a body as the Cabal, but it has grown to be quite *constitutional*: it differs from the Cabal in being unanimous on leading questions, in doing business always without the presence of the King, and in having as a go-between with the Crown a member of itself who is called Prime Minister, and who is the leader of the party that is, for the time being, predominant in the House of Commons. In 1667 there were no definite parties in the Commons, and the Cabal were neither at harmony with one another nor with the majority of the Commons. The Parliament was above all things Episcopalian: the Cabal, if they agreed on anything, had a sneaking fondness for Religious Toleration. Yet in 1668 they failed to carry through the measure which sprang out of the last attempt to "comprehend" the Presbyterians within the Church; in 1670 they had to submit to the enactment of a more stringent Conventicle Act; and the *Declaration of Indulgence* which, with their approval, Charles II. put forth in March 1672 had, like his *Declaration* in favour of *Indulgence*

of ten years before, to be withdrawn immediately Parliament opened.*

The Triple Alliance, Jan. 23rd, 1668.

§ 11. It was in the sphere of foreign policy that the Cabal first distinguished themselves. Louis XIV., building on the foundations laid by Henry IV., Richelieu, and Mazarin, was overtopping all his neighbours. As we have seen (Intro. § 13, ch. V. § 14*n.*), he had been the greatest gainer by the peaces of 1648 and 1659; and now he had plunged into the "War of Devolution," claiming that, by the death of Philip IV. of Spain in 1665, the Spanish Netherlands had "devolved" on Philip's daughter's husband—himself. He overran Flanders—which centuries before had been loosely attached to France—in the summer of 1667, and bade fair to carry all before him, when suddenly, on Jan. 23rd, 1668, Sir William Temple † and De Witt entered into the *Triple Alliance.* Sweden, as the leading Protestant Power of the North, was the third party in this union against the Power which was now taking the place of Spain as head of the Roman Catholic World; while, over and above their religious motives, Holland shrank from having such a neighbour as Louis, friendly as he had hitherto been, and England wished to protect her commercial interests in Flanders, which date from Edward III.'s alliances down to the existing British guarantee of Belgium. The "triple bond" attained its objects—or was, at least, credited with so doing: for barely three months later Louis accepted the *Treaty of Aix-la-Chapelle*, by which he acquired some frontier towns only because Spain wished to purchase back the Franche-Comté which he had recently conquered.

Secret Treaty of Dover, June 1st, 1670.

§ 12. But "the only good public thing that hath been done since the King came to England," as Pepys called the Hague Alliance, was soon to be undone. Charles was disposed to friendship

* Portraits of the members of the Cabal will be found in Dryden's *Absalom and Achitophel* and Macaulay's *Essay on Sir William Temple.* At first Buckingham took the lead—in fact he is spoken of by a contemporary as "Prime Minister"; but he had not so definite a policy as Shaftesbury, who was as distinctly the most capable statesman of the set, as Clifford was the most honest and Arlington the most skilful diplomatist. Lauderdale was an immoral Presbyterian who persecuted moral ones in Scotland.

† Macaulay's *Essay* on whom contains not only a brilliant survey of our diplomatic position during these years, but also sketches of the leading politicians and a pointed contrast between the "men who produce revolutions" and "the men whom revolutions produce."

rather than enmity with Louis, though he owned to being the only man in the kingdom with such a desire. In doing this, Charles was not troubled by any notions about the proper attitude of England as a Continental Power: he simply regarded an alliance with Louis as the most serviceable means towards his own ends at home. These were roughly two. So far as he had any religious opinions at all, he was a Roman Catholic. He was probably converted before the Restoration: he certainly died a Romanist. Again—as he told Lord Essex—"he did not wish to sit like a Turkish Sultan and sentence men to the bowstring, but he could not bear that a company of fellows should look into his accounts." Louis was now setting up as the champion of Roman Catholicism: Louis showed himself prepared to give money if Charles would aid, or at least quietly "assist at," his foreign conquests. With Louis' aid Charles saw his way to making the best of both worlds: he might gain heaven by restoring England to the bosom of the Church; he might, pending that remoter benefit, live peacefully and pleasantly on Louis' subsidies. Even while Temple was negotiating the Triple Alliance, Charles was making overtures to Louis; and in **1670**, with the invaluable aid of his brother James, and sister Henrietta, Duchess of Orleans, a secret treaty was signed at Dover which—had it been generally known, and not merely suspected, at the time—might well have sent the King "on his travels" again.

i. England to assist France (*a*) to conquer the United Provinces, receiving in return Walcheren and other places in Zeeland (some compensation being reserved for the House of Orange); (*b*) to obtain the Spanish Dominions, *should Charles II. of Spain die without male heirs*, receiving in return Ostend, Minorca, and certain American territories. During the war against the Dutch Charles to be subsidized with £230,000 per annum, to have control of 30 French ships and supply 6,000 troops to French Army.

ii. Charles II. to declare himself a Roman Catholic "as soon as the affairs of his kingdom permit him," and, if necessary, have further aid for that purpose of £154,000 and the use of 6,000 French troops.

Of the Cabal only Clifford, a Roman Catholic, and Arlington, who was probably a Roman Catholic, knew of this treaty; and as some producible treaty was required to account for the intended change of front, Buckingham

was sent to Paris to arrange an alliance with France. On the last day of 1670, a *Sham* Treaty, embodying all but the religious clause of the *Secret* Treaty, was duly executed; and this treaty, which was signed by every member of the Cabal, was soon made public. Though Charles was too sensible to attempt to carry out the religious clause, its existence was suspected; and that is why the Secret Treaty really was what Hallam calls it—"the first act in the drama which ended in the Revolution."

NOTE.—The appended title page from a pamphlet, published late in 1660 and signed *Rural Pen* (Dr. Gauden?), will show to what lengths Royalist feeling ran at the Restoration.

THE BLOODY COURT,
OR,
THE FATALL TRIBUNALL.
Being

A brief History, and true Narrative, of the strange designs, wicked plots, and bloody Conspiracies, carryed on by the most sordid'st, vile, and usurping Tyrants in these late years of Oppressions, Tyranny, Martyrdome, and Persecutions,

Discovering

I. The poysonous Asps, King-killing Basilisks, weeping Hypocrites, and devouring Cater-pillars who in their damnable Treasons have far surpassed the Powder-Conspiracy, secretly contriving but openly acting the murther of our late Gracious King Charles, the ruine of all the Royal Issue, the overthrow of all our Laws, the blowing up of all Parliaments, the subverting of the whole State of Government, and the setting up of a confused Babel, watered with the blood of the KING and his People.

II. An exact description of those hard-harted Belshazzars, infamous Impostors, Luciferian Brats, wicked Schismatics, cruel Hypocrites, desperate Usurpers, Damnable Bloodsuckers both of King and Nobles, who with Iron Hands and Adamantine Hearts, would also have pulled our present Lord and Sovereign out of the Arms and Embraces of His Loyal and Liege Subjects.

III. The Bloody Tragedy of all Tragedies, against King, Lords, and Commons; the several Scenes presenting the most horrid Villanies and the most barbarous and Tyrannical Massacre that was ever heard of since the World began, consulted amongst the grandees of the Independent Swordsmen, against the chief Royalists and Presbyterians, both Noble, Gentry, and Citizens; with the manner how it was prevented, and the exposing of those Buff-grandees, and insulting proud Officers, to their Needles, Hammers, Lasts, Slings, Carts, and Flails; and all true Subjects to enjoy their Right.

View of European History, 1659—1687.

1659. **TR. OF THE PYRENEES** (November), *Fr.*, *Sp.*: Louis XIV. marries Philip IV.'s *elder* daughter, Maria Theresa, and acquires Artois and Roussillon.

1660. THE ENGLISH RESTORATION. Anglo-French partition of West Indies.
TR. OF OLIVA (May), *Sw.*, *Pol.*, *Br.* *TR. OF COPENHAGEN* (June): *Sw.*, *Den.*

1661. Death of Mazarin: Louis XIV. becomes his own chief minister.

1662. Charles II. sells Dunkirk to France and marries Katharine of Braganza.
Alliance between Louis XIV. and John de Witt.

1664. English fleets seize the Dutch settlements, Goree and New Amsterdam (New York).

1665. Schomberg's victory at **Villa Viciosa**. Death of Philip IV. of Spain (September).
SECOND ANGLO-DUTCH WAR (March): **Solebay** and **Bergen**.

1666. Anglo-Dutch sea-fights in **The Downs** and at **Thamesmouth**.

1667. Dutch in Medway (June). *TR. OF BREDA* (July): *Eng.*, *U.P.* } First Money-pact,
WAR OF DEVOLUTION: Turenne invades Spanish Netherlands. } Charles and Louis

1668. *SECRET PARTITION TREATY* (January 19): *Fr.*, *Emp.* } **TREATY OF**
TRIPLE ALLIANCE: *Eng.*, *U.P.* (January 23); *Sw.* (May 15) } **AACHEN**
TR. OF LISBON (February 13): *Sp.* ack. independence of *Port.* } (May 29): *Fr.*, *Sp.*

1670. *TREATIES OF DOVER* (July, December): *Eng.*, *Fr.* Duke Charles III. finally expelled from Lorraine.

1672. FRENCH INVASION OF HOLLAND (begun May 5), under Condé and Turenne.
Crossing of the Rhine at Tolhuys (June 12).
Emp. and *Br.* make alliance with *U.P.* (October).

1673. (i.) *Holland*: Luxembourg *v.* William (**Maastricht** lost);
(ii.) *Elsass*: Condé on defensive;
(iii.) *Mid-Rhine*: Turenne *v.* Montecuculi and Elector of Br.
LEAGUE OF THE HAGUE (August 30): *U.P.*, *Emp.*, *Sp.*

1674. League of The Hague joined by *Den.*, *E.P.*, Diet of Empire.

THIRD ANGLO-DUTCH WAR (April 7).
Ruyter checks York at **Southwold**, June 7.
Ruyter checks Rupert's Anglo-French fleet (May) and defeats it off the **Texel** (August).
[*Eng.*, *U.P.*
TR. OF WESTMINSTER (Feb.):
Louis overruns Fr. Comté; Schomberg defends Roussillon; Condé beats W. O. at **Seneff** (Aug. 11); Tur. beats Imp. at **Sinzheim**, and expels them from Elsass' (Dec.).

1675. Fred. William I. (hence, 'Great Elector of Br.'), routs Swedes at **Fehrbellin** (June 18).
DEATH OF TURENNE AND CHARLES III. OF LORRAINE; RETIREMENT OF CONDÉ AND MONTECUCULI.

1676. Duquesne inflicts three naval defeats on de Ruyter off **Messina**.

1677. (i.) *Flanders*: Orleans def. W. O. at **Cassel**. (ii.) *Mid-Rhine*: Créqui checks young Duke Charles IV. MARRIAGE OF WILLIAM AND MARY (November).

1678. Luxembourg repulses W. O. at **Mons** (August 14). POPISH PLOT in England.
PEACE OF NYMWEGEN: (i.) *Fr.*, *U.P.*, August 10; (ii.) *Sp.*, September;

1679. (iii.) *Emp.*, February; (iv.) *Br.*, June (under pressure from Créqui); (v.) *Den.*, August.
CHAMBRES DES RÉUNIONS in session at Metz, Breisach, and Besançon.

1681. **Siege of Luxemburg** and **Surprise of Strassburg** (September). OXFORD PARL.

1682. SYNOD OF S. GERMAIN EN LAYE. Peter the Great becomes Tzar.

1683. Death of Colbert; marriage of Louis and Mdme. de Maintenon; Duquesne bombards **Algiers** and **Tripoli**. Turkish **Siege of Vienna**. *HOLY LEAGUE*: *Emp.*, *Pol.*, *Ven.*

1684. *TRUCE OF REGENSBURG* (20 years): *Fr.*, *U.P.*, *Sp.*, *Emp.* The Dragonades.

1685. ACCESSION OF JAMES II., *Eng.* (February 16). } **Bombardment of Genoa;**
REVOCATION OF EDICT OF NANTES (Oct. 15). } Louis claims Lower Palatinate.

1686. **LEAGUE OF AUGSBURG** (July): *Emp.*, *Sp.*, *Sw.*, *U.P.*, and most German princes.

1687. League joined by *Bav.*, *Sax.*, *Pap.*

NOTES. — (i.) ABBREVIATIONS: *Emp.* = Emperor; *Pap.* = Papacy; *Fr.* = France; *Sp.* = Spain; *Sw.* = Sweden; *Sav.* = Savoy; *Sax.* = Saxony; *L.* = Duke of Lorraine; *Br.* = Brandenburg; *E.P.* = Elector Palatine; *Bav.* = Bavaria; *U.P.* = United Provinces of the Netherlands; *Eng.* = England, etc.; *Den.* = Denmark; *Port.* = Portugal; *Pol.* = Poland.

(ii.) TYPE: Battles, in small **dark type**; General Peaces, in **DARK CAPITALS**; other Treaties, in *ITALIC CAPITALS*; Main Headings, in UPRIGHT CAPITALS.

CHAPTER IX.

CHARLES II. AND THE CATHOLIC NONCONFORMISTS.

January 1, 1671—February 6, 1685.

§ 1. The Year 1670 as a Turn-point; Relations of England, France, and Holland.—§ 2. French Invasion of Holland and Emergence of William of Orange, 1672; Second Dutch War of the Restoration, 1672-1674.—§ 3. Stop of the Exchequer, January 2, and the *Declaration of Indulgence*, March 15, 1672.—§ 4. The Twelfth Session of the Second Parliament, February 4—March 29, 1673: the Withdrawal of the *Declaration*; the *Test Act*.—§ 5. The Year 1673 in the Royal Household and in Parliament.—§ 6. Break-up of the Cabal, 1673-4: Shaftesbury's Politics.—§ 7. Danby, Lord Treasurer: his Policy and *Non-Resistance Test Bill*, 1675.—§ 8. Louis XIV. buys a Fifteen-months' Prorogation, November 22, 1675—February 15, 1677; Imprisonment of Shaftesbury.—§ 9. Crown *v.* Commons in regard of Foreign Policy, May 1677.—§. 10. Marriage of William and Mary, November 1677; the *Peace of Nymwegen*, 1678—1679.—§ 11. The "Popish," "Meal-Tub," and other Plots, 1678—1679.—§ 12. The End of the Pension Parliament, October 21, 1678—January 24, 1679: Impeachment of Danby, and *Parliamentary Test Act*.—§ 13. View of Charles II.'s Three Short Parliaments, 1679—1681; the Third Parliament, March 6—May 27, 1679: Fall of Danby.—§ 14. Temple's re-organised Privy Council, 1679: Means and Members.—§ 15. Shaftesbury's *Habeas Corpus Act*.—§ 16. *The Exclusion Bill*, May 1679; the Rise of "Whig" and "Tory" between the Two Parliaments, 1679—1680.—§ 17. Lauderdale's Scotland 1669—1680.—§ 18. The Fourth Parliament, October 21, 1680—January 18, 1681: Halifax *v.* Shaftesbury.—§ 19. The Fifth Parliament, at Oxford, March 21—28, 1681.—§ 20. Tory Re-action; *Carr's Case*, 1680.—§ 21. Imprisonment, Flight, and Death of Shaftesbury, July 1681—January 1683.—§ 22. The Rye-House Plot and its Victims, 1683.—§ 23. Non-Resistance Doctrine, 1683.—§ 24. Regulation of the Corporations.—§ 25. Rule of the Chits, and Aggressions of Louis XIV., 1681—1685.—§ 26. Death of Charles II., February 6, 1685; Review of his Reign.

Aspects of the *Treaties of Dover*, 1670.

§ 1. The *Secret* and the *Sham Treaties of Dover*—though their precise terms were not widely known for many a long day, and even the latter or public treaty was not promulgated till February 1672—make almost as great a landmark in English history

as the Papal Bull of just one hundred years before (vol. II., ch. viii., §§ 1—3). The treaties, like Pope Pius's Bull of 1570, affected our domestic story by giving a fresh start to the chronic English dread of Roman Catholicism, our international relations by greatly strengthening the hands of the Continental Power from whom England had most to fear—in Elizabeth's days Spain, in Charles II.'s days France. The purely English aspect of the matter is the gradual substitution for an anti-Puritan of an anti-Romanist feeling, which grew for a time into the madness of the Popish Plot and the Exclusion Bill struggle (§§ 11—19); and that will form the staple of this chapter. Its immediate international aspect, which was the first to show itself conspicuously, may properly be considered first.

Relations of England, France, and Holland.

Charles II.'s motives for his alliance with Louis have been already stated (ch. viii., § 12): we must now look a little more closely into Louis' general policy, as the dominant factor in the diplomatics of the period. His voice alone decided all French action: for, as he himself correctly put it, "L'Etat, c'est moi." He wanted to extend the frontiers of France on the North and East, for the better security of Paris and at the expense of Spain, Lorraine, and the Empire, and to obtain the reversion of the Spanish dominions (ch. viii., § 11). In 1668 he had made a little arrangement with Leopold, as Hapsburg rather than as Emperor, to share the Spanish plunder on the death of Charles II. of Spain (ch. xiv., § 3); and on the strength of that he had been well content to forego further acquisitions for the present. In 1670 he bought off Sweden as well as England, and was thus left with but one opponent to deal with. He disliked the United Provinces: to him their republicanism was not rendered the less disgusting by being oligarchical; they allowed all manner of pamphlets against his government in Church and State to be published within their territories, and thence scattered broadcast; as Calvinists, they sympathised with the French Huguenots, whom he was just beginning to deprive of their ecclesiastical, as Richelieu had already deprived them of their political, liberties (ch. ii., § 10; ch. xi., § 1); their commerce and their navy alike stood in the way of Colbert's budding

aspirations after maritime supremacy; and finally, they had shown by their recent intervention on behalf of their sometime oppressor Spain against their old ally France, that they knew of their peril from French ambition (ch. viii. § 11).

The French Invasion of Holland, June, 1672.

§ 2. Louis' invasion of Holland which, in June, 1672, resulted from his clearance of obstacles two years before, was a great surprise: even to Temple it seemed "like a peal of thunder from a cloudless sky." The Dutch were quite unprepared, and the French troops rapidly overran the more southerly provinces. In June the Grand Pensionary De Witt checked their advance, and ultimately forced them to retire, by cutting the dykes that normally kept the sea from flooding the low-lying lands; but none the less he and his brother were held responsible for the opening disasters, and were torn to pieces by the mob. Meanwhile William III., Prince of Orange,* the heir of the hereditary liberators of the Dutch, and already Captain-General of the Dutch forces, was given a more assured position by being raised, at the age of twenty-two, to his father's dignity, as Stadtholder of Holland, etc. There had been some talk of giving up the struggle, and either making a national emigration to their colony, Java, or accepting French protectorship. William would have none of this: "sooner than yield to the arms of France," he told Buckingham, "he would die on the last dyke." He was granted some breathing-space by the invaders' mistake of frittering away their forces on the occupation of small towns; and he gained yet more by the slow operation of the well-tried plan which De Witt had adopted, and which rendered the flooded country impassable for troops. The French were beaten back; and in 1673 Austria and nearly all the princes of Germany took up arms with William of Orange in a war that lasted till 1678 (§ 10, and Table, p. 182). Louis had effectively substituted himself for Spain as the common foe of Europe—for Sweden alone stood firmly

* His great-grandfather, William I. of Orange ("the Silent"), having practically achieved the independence of the seven more northerly provinces of the Spanish Netherlands, was assassinated in 1584 (vol. II., ch. vii., § 16; viii., § 12; ix., § 3). On the death of the second William, in 1650, the Stadtholdership was abolished. The principality of Orange lay in the heart of the parcel of Papal territories on the left bank of the lower Rhone, and, with them, was finally annexed by France in 1791.

by him and kept Brandenburg quiet: he had stirred up a nest of hornets, and the greatest of these was William. "Like many another military malefactor," says Mr. Traill, "Louis XIV. was himself the creator of the enemy by whom his power was to be broken" (ch. xiii., § 7).

The Second Dutch War of the Restoration, March 1672—February 1674.

The political *début* of William of Orange was of great future importance for England; but England had also an immediate interest in the war. On March 13, 1672, Admiral Holmes, in accordance with his special instructions, treacherously endeavoured to seize the Dutch Smyrna fleet on its way up Channel. The attempt was frustrated, and on March 28 war was declared by England against the Republic. But Charles did little enough to help his French allies. There was only one naval battle on the scale and intensity of the previous Anglo-Dutch wars (ch. vi., § 6; ch. viii., § 8): on May 28, 1672, James, Duke of York, just managed to beat off De Ruyter in Southwold Bay, Suffolk. In the following year the Dutch re-occupied for a few months their old settlements on the Hudson, and re-named New York not, as before, New Amsterdam, but Orange. They also fought one doubtful battle with the combined Anglo-French fleet under Prince Rupert in May, and in August they inflicted a positive defeat off the Texel. Under pressure from Parliament, however, Charles ended the war, and recovered the Hudson River lands by the *Treaty of Westminster*, February 19, 1674 (cf. § 5).

The Stop of the Exchequer, January 2, 1672.

§ 3. Parliament was able to get its way because the King was, as usual, in want of funds. It had in its eleventh session appropriated a grant of £800,000 to the fleet—Charles having mooted the idea with which we are nowadays familiar, that our navy ought to be equal to any two other navies; but when it met again, in February 1673, after an interval of twenty-one months, it was not disposed to give more, now that it found its money spent in crushing the Dutch commerce for the benefit not of England but of France. Meanwhile money had been found by an expedient imitated from Colbert, Louis' great finance minister: on the second day of 1672, Charles, following the advice of Clifford, "locked up the Exchequer."

In other words, it was officially announced that none of the loans advanced by the goldsmiths to the Government—mainly out of the sums deposited with them in their then capacity of bankers—on the security of the revenue, would be that year repaid; and that thenceforth the interest paid would be reduced from 12 to 6 per cent. As a matter of fact, even the latter rate was not maintained; and this breach of contract still further prolonged the dislocation of credit which was naturally caused by the Government's repudiation of its liabilities. This "Stop of the Exchequer" realised £1,300,000 for the moment; but the fact that such a blow at public credit could hardly bear repetition stamps it as a far from brilliant financial operation. None the less Sir Thomas Clifford was rewarded with a peerage and the Lord High Treasurership.

The Declaration of Indulgence, March 15, 1672.

Parliament was able to end the Dutch war by pulling tight the purse strings: it desired to end the war for the same reason as guided it in most of the work of its twelfth session—suspicion of Charles's religious designs. What especially roused its alarm was an insidious attempt on the King's part, made in the same month which saw the breaking out of open war against the Dutch (§ 2), to carry out a portion of his schemes by means less violent than those which the *Treaty of Dover* suggested. On March 15, 1672, a *Declaration of Indulgence* was issued which "suspended the execution of all and all manner of penal laws in matters ecclesiastical against whatsoever sort of Nonconformists or Recusants." Amongst the many Puritans released from prison in consequence hereof was John Bunyan, a tinker and preacher of Bedford, who shortly afterwards set about the composition of his great religious romance, *The Pilgrim's Progress.* Charles had thought of putting forth a similar protest against ecclesiastical coercion ten years before, but, being opposed by Clarendon and the bishops, merely issued a declaration in favour of liberty of conscience—sometimes called *the Declaration* for *Indulgence.* Now, on the other hand, he had the hearty support of his ministers. The members of the Cabal were, for various reasons, disposed to toleration, and were besides rewarded for their compliance

by a general distribution of fresh titles. Ashley in particular became Earl of Shaftesbury, and in November Lord Chancellor to boot.

The Dispensing and Suspending Powers.

§ 4. Charles II.'s *Declaration of Indulgence* purported to proceed from "that supreme power in ecclesiastical matters which is not only inherent in us, but hath been declared and recognised to be so by several statutes and Acts of Parliament." When Parliament met at last, in February 1673, this statement was disputed. A line was drawn between the King's Prerogative of dispensing with statutes in single instances—which was what his undisputed right of pardon really amounted to—and the wholesale suspending of a law: that was held to be equivalent to making a new one, and "the legislative power," said the Commons, "has always been acknowledged to reside in the King and the two Houses of Parliament." The Anglican churchmen who had passed the laws of 1661—1665 (ch. viii., § 4), were joined in their opposition by many of the Protestant Nonconformists, who had constitutional scruples as to the legality of the relief by which they took good care to profit, and who, moreover, had conscientious objections to being fed with the same crumbs as fell from the King's table for the Roman Catholics also. "I had much rather see the Dissenters suffer by the rigour of the law, though I suffer with them," said Alderman Love, M.P. for the City, "than see all the laws of England trampled under the foot of the Prerogative." Some of the Cabal urged a surrender; and Shaftesbury, who seems to have found out the secret of the *Treaty of Dover*, showed his annoyance by actively promoting the recall of the Declaration. Charles, as usual, bent before the storm, and on March 8 formally cancelled his Proclamation.

The Test Act, March 1673.

Five days later, under the same pressure, Charles published another Declaration, warning all who had taken priest's orders from Rome to leave the country within a month, or be prepared to find themselves prosecuted in accordance with the law. So far from tolerating the all-round toleration that Charles professed, the Parliament, ever anxious to safeguard the Established Church, would have one-sided persecution. Hitherto it had

been down on "the Presbyterianly affected": so lately as 1668 it had declined to consider Buckingham and Arlington's proposed *Comprehension Bill*, and in 1670 it had passed a *Second Conventicle Act*, yet more severe than the Act of 1665 (ch. viii., §§ 4, 10). On both these occasions the Commons had made heavy grants to Charles because he had fallen in with their prejudices. In the spring of 1673, on the other hand, they passed a Bill for the relief of Protestant Nonconformists (which, however, did not become law), and made a dead set against "the Popishly affected." Though in consideration of his recall of the Indulgence, they promised Charles a million and a quarter towards the Dutch war (§ 2), they did not formally vote it until they had obtained his consent to their "Bill to prevent danger from Popish Recusants." This Act provided:—

That all persons holding any office of profit or trust under the Crown must—

i. take the Oaths of Allegiance and Supremacy;
ii. publicly receive the Sacrament according to the Anglican use;
iii. subscribe a set declaration against Transubstantiation.

§ 5. The *Test* * *Act*, as it is usually called, differed from most previous Acts of like character in making the test compulsory, and from all in making no exceptions in favour of peers. Though the second test would prove a stumbling block to members of the more stiff Protestant bodies, the Act was mainly designed, as its popular description showed, "to prevent the growth of Popery." The Duke of York at once resigned the Admiralty and Lord Clifford the Treasury. The former had publicly given out his conversion to Rome in 1669—when Charles had more discreetly made a similar announcement in secret. The defection of one so near the throne created widespread alarm; and this increased when towards the end of 1673 it became known that James had made a second marriage—his first wife, Anne Hyde, the daughter of the Chancellor,

Domestic Details, 1673.

* The word, as here used, implies a kind of pun on its double derivation in English. Primarily the term *test* means the oath exacted as evidence of a man's opinions, etc. (Lat. *testis*, a witness); but the oath was used in much the same way as a crucible (Lat. *testa*, a cupel), in which metals are melted and examined, or, as we say, "tested." For earlier examples of religious tests, the exaction of which was mostly left by Parliament to the discretion of the Government, see vol. II., ch. iii., §§ 10-12; ch. vii., §§ 4-10.

having died early in 1671—with Mary of Modena. Reresby the Memoirist puts the objections in a nutshell: "the nation was much grieved at this match, the lady being a Papist of the strictest class, and the whole affair managed by the French interest." Moreover, Charles himself had recently entered into a semi-matrimonial connection open to the same popular objections: he had avowed as his mistress one of the maids of honour brought over by his sister to Dover in 1670—Louise de Querouaille, on whom he lavished the title Duchess of Portsmouth, and endless moneys. "Madame Carwell," as men called her, was disliked as much as Charles I.'s proposed and actual brides had been (ch. i., §§ 24, 27; ch. ii., § 1), but her influence was to some extent counterbalanced by that of Mrs. Eleanor Gwynn, whose boast it was to be "the Protestant mistress."

Parliamentary Details before and after 1673.

Before York's marriage Parliament had reassembled after the summer adjournment and wound up its session, and was in the midst of the session which brought about peace with the Dutch. The changed tone of the Cavalier Parliament, as seen in its actual work in 1673 (§ 4), may be further illustrated by the contrast between its record fore and aft of that date. Up till then it had held eleven sessions spread over ten years (1661—1671), and had placed 165 Acts on the Statute-Book: in the remaining seven years of its existence (see § 12) it held but six sessions and passed but 32 Acts. The greater infrequency of its sessions and the diminution in its legislative output alike testify to the increased friction between Crown and Parliament. In Mr. Goschen's phrases, Charles had "trodden on so many toes, and alienated so many interests," that he was fast "spending his Parliamentary majority."

The Break-up of the Cabal, 1673—1674.

§ 6. During this thirteenth session (October 1673—February 1674) there were great ministerial changes. Lauderdale, being out of the way, retained his position as practically viceroy in Scotland (§ 17), despite hot Parliamentary attacks on him, but the rest of the Cabal ended their prominent official career about this time. Clifford had resigned, and died of pique, in consequence of the *Test Act* (§§ 4, 5); Arlington, who had pressed that measure in hope to succeed him as Treasurer, and Bucking-

ham, who had lost favour with the Duchess of Portsmouth, were early in 1674 dismissed under pretext of the attacks on them by the Commons; and Shaftesbury was punished for his promotion of the *Test Act*, and for his hostility to the French interest, by being deprived of the Lord-Chancellorship in November 1673.

Shaftesbury's Politics.

"It is only laying down my gown and putting on my sword!" Shaftesbury is alleged to have suavely said when he gave up the Seals. The remark, whether really made or not, represents the actual fact Shaftesbury spent the remaining decade of his life in fighting the Crown (§ 21). He was set to trounce roundly the royal brothers who had deceived him at Dover (ch. viii., § 12), and, whether in office or out, to retain the political power in which he exulted. Dryden puts down his change of front to this passion alone: "resolved to ruin or to rule the State." Butler puts him down as simply the most accomplished time-server of his time:—

> "Our State artificer foresaw
> Which way the world began to draw."

Shaftesbury was admittedly unscrupulous: it does not therefore follow that he was unprincipled. Through all the manifold changes in his attitudes he remained a Parliamentarian and a Secularist. He had assented to the *Declaration of Indulgence*, because to him, as to our own age, the removal of civil disabilities based on religion was desirable. He had put his name to the *Treaty of Dover* because he considered that the Dutch were as distinctly the chief impediment in the way of English commercial supremacy as Karthage had long been in the way of Roman rule: hence the revival, in his opening speech as Chancellor to Parliament, in February 1673, of old Cato's cry, *Delenda est Karthago!* When he found that he was mistaken in the intention of these measures, he thwarted his master, while still in office, by carrying the *Test Act* and by bringing to a close the Second Dutch War (§§ 4, 5), and, after his dismissal, by organising the various opponents to the King's policy into something of that definite shape which we call nowadays "the Opposition." At that time it was called 'the Country Party" (§ 16).

§ 7. On the other hand, the man who was called to succeed Clifford and to take the chief place in Charles's counsels set to work to organise "the Court Party." That man was Sir Thomas Osborne, who was in 1673 raised to the peerage, and during 1674 further elevated to the Earldom of Danby. Like Shaftesbury, he recognised the necessity of Parliamentary support, but he proposed to gain it by giving it its head, not merely against Roman Catholics but against all kinds of Nonconformists. In other words, he wanted in all sincerity what Charles was content to yield for the sake of peace—the abandonment of those pretences of toleration which had got the King into such ill odour, and a return to Clarendon's "Church-and-King" policy, modified in accordance with the lessons of the last year by abstention from friendship with France. Though Charles would not give up Louis' doles, he followed Danby's guidance in most respects. He quite saw that there was a deal of truth in a saying of Danby's kinsman, Temple: "a King of England who is willing to be the man of his people is the greatest king in the world; but if he wishes to be more, by Heaven, he is nothing at all!"

Danby's Policy, 1674—1678.

Danby found that the old feeling of devotion to Church and Crown could no longer be relied upon, and fell back upon the royal patronage to purchase votes (cf. ch. viii., §§ 3, 7). Clifford is said to have first applied the method of bribery to Parliamentary politics; but Danby was the first to reduce it to a system. The innovation was made the easier by the total cessation about this time of the original practice whereby M.P.'s received wages from their constituencies. A seat in the House was now so much in request that no pecuniary reward was necessary to bring forward candidates; and on the other hand, members, being no longer paid officials, regarded themselves both as less responsible to their constituents, and as free to make what they could out of their services.

Danby's System of "Influence."

The policy of bribes being expensive and insecure, Danby bethought himself of a scheme likely to secure the presence in the Commons of men who would need few such external inducements to maintain the Prerogative. When Parliament met after

Non-Resistance, or *Placemen's Bill*, 1675.

a year's prorogation, in April 1675, Danby introduced a measure which was designed to diminish the strength of his Parliamentary opponents in much the same way as the *Test Act* of 1673 had actually weakened the position of Shaftesbury's Romanist opponents (§§ 4, 5), but which, unlike that Act, did not degrade sacred things to the level of a political turnstile. By this *Placemen's*, or *Non-Resistance, Bill* Danby proposed to enact:—

That every person (*a*) holding office in Church or State, (*b*) sitting in either House of Parliament, should be required to swear—

(1) Abhorrence of the traitorous position of taking up arms by the King's authority against his person or against those that are commissioned by him;

(2) "Not at any time to endeavour the alteration of the government in Church or State."

The Closing of the Coffee-Houses, December 1675.

Though the exaction of such pledges must needs have paved the way for revolution by making reform all but impossible, the Bill was, after long debates, carried in the Upper House—mainly by aid of the bishops and in the teeth of Shaftesbury's opposition. He succeeded in checking its passage through the Commons only by what would nowadays be called "obstruction," his cue being to set the two Houses by the ears on a point of Privilege.* To still the tumult, Charles adjourned Parliament in June; but finding the quarrel renewed with equal bitterness on the reassembling four months later, he prorogued Parliament on November 22, 1675, for the unusually long space of fifteen months. With like intent to stop agitation outside Parliament, Charles next month issued a Proclamation closing the coffee-houses where wits and politicians were then in the habit of gathering to discuss the new beverage from Turkey and things in general. The closing of these clubs caused, however, more uproar than the "false, malicious, and scandalous reports" that they were charged with spreading; and the Government hastily revoked its edicts.

* *The Case of Shirley* v. *Fagg:* Shirley appealed to the House of Lords from a decision of the Court of Chancery in favour of Sir John Fagg. The Commons held the citation of Fagg, who was an M.P., before the Lords to be a breach of Privilege. Their general contention that there lies no appeal from Chancery to the Lords was quietly shelved (ch. viii., § 3).

§ 8. The long intermission of Parliament was made at the instance of Louis XIV., who had already paid for one prorogation, and now promised Charles £100,000 a year to make him independent of his subjects. Louis was afraid that Parliament might force England to join the coalition against which he was making excellent headway. He was, in fact, making those strides towards a Rhine frontier that France was not compelled to retrace till the Franco-Prussian War of 1870-1; at which time the statesman Thier's question, "*Contre qui combattez-vous?*" was answered by the historian Ranke with the words, "*Contre Louis XIV.!*" (cf. § 25).

Louis and the Prorogation of Parliament, Nov. 22, 1675–Feb. 15, 1677.

When Parliament met again on February 15, 1677, Buckingham, backed by Lords Shaftesbury, Salisbury, and Wharton, argued that it was no longer in legal existence. Their grounds were fanciful: the two old statutes of Edward III., which they cited, enacting that a Parliament should be held at least once a year, had been superseded by the *Triennial Act* of 1664 (ch. viii., § 3, p. 165); and even if valid they did not involve the *ipso facto* dissolution of a Parliament which had been intermitted for more than twelve calendar months. Their motives were sound enough: so long as the present Parliament sat, Danby's majority effectively blocked their way, and they naturally wished for an appeal to the nation. For some reason, however, the Lords took the suggestion of the four peers in bad part, sent them to prison, and would not let them out until they had made a very humble submission. To keep them out of the way Charles took advantage of the rule that committals by either House expire with the current session: instead of proroguing Parliament, he kept on adjourning it from time to time. Besides getting rid of Shaftesbury for a year, Charles pocketed over a million and a half from Louis for these repeated postponements.

Imprisonment of Shaftesbury, February 1677–February 1678.

§ 9. Two things are notable in respect hereof. Firstly, the Commons on several occasions, as in 1629 (ch. ii., § 11), raised the question whether the King had the right to order adjournments, and whether the Speaker had authority to leave the chair

The Commons dictate a Foreign Policy, May 1677.

"but by a question and the vote of the House." Secondly, Louis gave such heavy fees to Charles to muzzle Parliament, because of the active interest which, despite his large donatives to members, it was taking at this time in foreign affairs. Charles had at the end of 1675 sent Sir Leoline Jenkyns to serve as his plenipotentiary at the European Congress sitting at Nymwegen, on the Waal; but he was now called upon by Parliament to take part not merely as mediator but as belligerent. There were particularly hot debates during the last week in May 1677: the repression of France was, the Commons contended, a matter which concerned "our religion, liberty, and property"; it could be effected only by joining the confederates at once, before they were driven to make peace; let the King therefore conclude without delay an alliance with the Dutch, and, if possible, with the Spaniards. On May 23 an address to this effect was carried, almost unanimously, in a very full house. Charles, in reply, took up much the same line as his grandfather James I. in 1621 (ch. i., § 24): the address was an unprecedented invasion of the Prerogative of making peace and war and leagues; besides, he could not set about doing what they wanted without a grant of £600,000. The Commons, again as in 1621, denied both the statement and the request. On the point of theory they asserted their right, not indeed of making treaties but of offering advice therein: "did the King's Prerogative merely consist in not being advised by his Parliament of all people?" On the point of fact, they would not give a penny till they were assured that the desired alliances were actually, and not simply going to be, made.

Charles II. on the Situation.

Moreover, the Commons passed a Bill recalling, under penalties, all English-born subjects from serving under the French King. Charles, in his speech adjourning Parliament on May 28, showed himself to be quite sensible of the trend of all this:—

"Should I suffer this fundamental power . . . to be so far invaded as to have the manner and circumstances of leagues prescribed to me by Parliament, it's plain that no prince or state would any longer believe that the sovereignty of England rests in the Crown; nor could I think myself to signify any more to foreign princes than the empty sound of a king."

§ 10. None the less Charles, caring less than his grandfather for the maintenance of the Prerogative and even more for his own comfort, gave way so far as to yield to Danby's proposal that Mary, the elder daughter of the Duke of York, should again be offered in marriage to her cousin of Orange (Table, p. 252). William had declined the offer in 1674, because, from his purely political point of view, Mary was an eligible match only so long as she continued to be heiress presumptive to the British crowns—in other words, only so long as Charles and James remained without legitimate sons. But now that there seemed as little likelihood of James having issue by his second wife (§ 5), as of Charles having issue by Queen Katharine, William chanced the risk—it was, as we shall see, a *real* risk (ch. x., § 12)—and on November 15, 1677, married the Lady Mary.

Marriage of William and Mary, Nov. 15, 1677.

The Commons showed their gratification by words a few days later, and in the following February, by a promise of £1,000,000 and other funds sufficient to maintain a fleet of ninety ships and 30,000 soldiers. Charles alternately blew hot and blew cold for war. On one occasion he justified his slackness by pointing to "the low condition of Spain, the sluggish motion of the Germans, and the present poverty of the States-General," as reasons for not identifying himself with their fortunes: on another he took up the normal English non-intervention argument—"England might well be satisfied with having been an unconcerned looker-on while she engrossed all the commerce of Europe." This view seemed to the Commons too subtle to be sincere; and fearing, as in 1673, that the army which Charles was mustering upon Blackheath (cf. ch. x., §§ 5, 8) "was rather intended to awe our kingdom than to war against France," they dropped their offer of £1,000,000 for war to a formal vote of £200,000 for disbandment.

Peace or War? November 1677—June 1678.

While this game of cross-purposes was going on in England, the Continental Powers were coming to terms. On August 11, 1678, France and the United Provinces signed the first of the bundle of treaties known collectively as the *Peace of Nymwegen*.

The Peace of Nymwegen, 1678—1679.

Spain, the Emperor, and last of all Denmark, chimed in before a year was past; and in the meantime Louis compelled Brandenburg to concede to his own sole ally, Sweden, more favourable terms than the severe defeat at Fehrbellin (1675) entitled the Swedes to expect. Of the Allies the United Provinces, which had led the resistance, alone got off scot free, the French giving up Maastricht, the last of the Dutch fortresses in their hands: Spain suffered most, having to cede Franche-Comté—the *County* of Burgundy (vol. II., Intro., § 9) —and more towns in Flanders. Louis had failed in his prime intention against Holland, but had kept all his neighbours at bay, and, as Voltaire puts it, had at the end "dictated terms of peace to Europe." Thereupon, he accepted the style of "the Great"; but, the grafting did not strike firmly.

§ 11. To the triumph of France England's abstention had largely contributed; and England had abstained for much the same reasons as had induced Elizabeth to abstain from helping the Dutch a century before—because England was so divided. Just as the war was ending this division deepened into distraction. Ever since the Duke of York's public adherence to the Roman Church in 1669 (§ 5), and the suspicions of illicit dealing between the English and the French Courts, the stream of tendency which made for persecution had been flowing more against the Catholic, than against the Protestant, Nonconformists. It had swollen in volume and violence, and now burst all bounds on the revelation of a Roman Catholic plot, organised by the highest in the land against the highest. There may, or may not, have been a definite plot: it is at least certain that all zealous Romanists had great expectations from the attitude of the royal brothers. The letters of the Duchess of York's secretary, Coleman, to Louis XIV.'s Confessor, Père la Chaise, spoke of "a mighty work upon our hands, no less than the conversion of three kingdoms, and perhaps the utter subduing of a pestilent heresy which has a long time domineered over this northern world." But these letters had been written in 1675, when things looked much more promising for the Romanists, when, in fact—if the word of the sometime French Jesuit Luzanel was to be believed—many of them were boasting that ere

The Popish Plot, 1678.

long men "should see Protestant blood flowing in the London streets."

Titus Oates as Scamp and Saviour.

The panic which broke out in September 1678 was based on the fictions of Dr. Titus Oates—a man who had been successively expelled from the Anglican and Roman clergy—and of other disreputable men, such as Bedloe and Dangerfield. The papers of Coleman—now first brought to light through Oates's evidence—seemed to give credibility to his narrative; and the assassination, just before Parliament met, early in October, of Sir Edmund Berry Godfrey, the London magistrate before whom Titus Oates made an affidavit of its truth, was popularly taken as an attempt on the part of the Roman Catholics "to stifle the plot." Whatever the object, and whoever the doers of the murder, Godfrey was accounted—as he had had a presentiment he would be—"the first martyr of the plot"; and for more than a year Roman Catholicism spelt ruin for those who professed it. The theory that a "Papist" was capable of anything to spread "Popery" was universally accepted: even in the law-courts the cheap oath of a king's witness outweighed the word—he was not allowed to swear—of an accused Roman Catholic, however respectable. "The brutal manners and iniquitous partiality of the Bench"—Hallam seldom uses such strong language—and even exhortations from the pulpit were on the same side. Shaftesbury, who knew too much about the real conspiracy of Charles and James against English Protestantism to be taken in by Oates's clumsy cock-and-bull story of their intended murder by the Romanists, sedulously fanned the panic for political purposes (§ 16). The discovery at Reading of an attempt by Roman Catholics to tamper with witnesses was greedily seized on as an undeniable proof of their complicity as a body. Meanwhile the demand for atrocities was met by an ample supply: the Queen was implicated in a plan to assassinate her husband; and the purveyors of these horrors were clothed in purple and fine linen, and received a title which has often been the reward of roguery—"fathers of their country."

§ 12. The national scare was intensified by the first actual revelation of Charles's clandestine intrigues with

France: this was practically Louis' own doing, by way of revenge for his pensionary's recent wavering. Only five days after the Commons' conditional war-grant of a million a letter was written by Danby and endorsed by Charles, offering to Louis, in return for a quarter of a million, to remain neutral, recall the English troops serving under the Dutch flag, and to prorogue Parliament for six months. The offer was accepted; and Louis made good use of the acceptance. By letting Charles's distinct pledge to neutrality become known, he forced the States-General and Spain to accept his terms of peace (§ 10); then he turned round and used it as a lever to oust his enemy Danby from office. At his instigation, Ralph Montague, late English ambassador in Paris, who had since obtained a seat in the Commons, laid on the table the letter offering neutrality at a price. As a result Danby was impeached in December. The facts of his personal convictions and efforts in opposition to Louis were not known; and even if they had been known they would not have been allowed to excuse his official act, as proven by his handwriting, in bartering away English connivance at the designs of a foreign foe.

Last Session of the Parliament, Oct 21, 1678—Jan. 24, 1679: Impeachment of Danby.

To save both Danby and himself from inquiries which would probably prove awkward, Charles dissolved the Long Parliament of the Restoration on January 24, 1679 (ch. viii., § 7). Shaftesbury —whose late imprisonment had suggested to a pamphleteer a comparison of him to the Elizabethan war-spirit who had fared so ill at the hands of James I. (ch. i., § 20)—had sought to exhibit the Anti-Popery zeal of a *Rawleigh Redivivus* by directing its activity into other quarters besides this attack on Charles's underhand foreign policy, and this assertion of ministerial responsibility to Parliament. There had been brought in a *Protestant Securities Bill*, which sought to impose severe checks on any Roman Catholic who might succeed to the English throne; and Shaftesbury had actually carried a *Parliamentary Test Act*, which excluded "Papists" not merely from the Commons, but from *both* Houses of Parliament—James being exempted, on his own motion, by but two votes. These things were done as a practical out-

The Parliamentary Test Act, 1678.

come of the Commons' opening Resolution :—

"That there hath been, and still is, a damnable and hellish plot, carried on by Papist Recusants for assassinating the King, and subverting the Government, and for rooting out the Protestant Religion."

Charles II.'s Three Short Parliaments, 1679—1681.

§ 13. Charles II.'s Long Parliament had been in existence well-nigh eighteen years (ch. viii., § 7): his next three Parliaments were crowded into three years, and altogether sat only six months of the time. The bone of contention was the religious future of England, coupled with the position of James, heir presumptive. For a moment Charles seemed inclined to allow his brother—whom, on the "out of sight out of mind" principle he despatched to Brussels in the spring of 1679, and to Scotland somewhat later (§ 17)—to be washed away in the swirl of politico-religious passion : later, recognising that he himself was really in the same boat with his brother, he took an oar, and pulled hard against the stream till the violence of the waters spent itself.

Parliament III.: Mar. 6—May 27, 1679. Fall of Danby.

Charles's method of temporising was, while keeping firm on the main issue, to win a reputation for conciliatoriness by conceding other points, however intrinsically important. Thus, during the first of these "Short Parliaments," which met on March 6, 1679, he allowed his chief minister to be brought to book, his Council to be transformed (§ 14), and his remaining powers of administrative arrest and detention to be still further cut down (§ 15), but would not let Parliament *sans* King play the same kind of tricks with the succession that Parliament *plus* King had played in Henry VIII.'s reign (§ 16; cf. vol. II., ch. iii., § 10; iv., §§ 12, 17). Danby's methods of dealing with Parliament, unlike Shaftesbury's, did not look beyond the elected to the electors; and so Charles found he could rely upon only some thirty members. The Commons at once proceeded to revive Danby's impeachment, with the result that he was deprived of his office and committed to the Tower, where he remained, untried, until let out on bail by Charles in 1684 (§ 25).

Danby's Case is of constitutional interest mainly because it was the last important case of impeachment. In other words, the Commons after this found that they could

usually get rid of a minister whom they seriously disliked otherwise than by kicking and bludgeoning him out of office—in fact, by dropping a hint that he had really much better withdraw (cf. ch. xiii., § 2). The inherent clumsiness of impeachment as a constitutional weapon was well exemplified in the various quibbling legal points that came up in the course of Danby's affair. For instance, when, as in this case, the charges amounted to misdemeanour only, rather than to treason, might the prisoner be admitted to bail, and might the bishops sit at all in trying capital cases? Of these questions, the first was decided in 1678 in the affirmative, in 1679 in the negative: the second in the bishops' favour—they might sit until the time came to pass death-sentence. More important was the carrying over of the impeachment, not merely after a prorogation, but after a dissolution—a usage which was not finally accepted till the trial of Warren Hastings in 1786. The most important point was also most clearly decided: Danby's plea, on his second impeachment, that he had not only acted by direct order of the King—as proved by the words, "*this letter is writ by my order*, C. R."—but had also since received the royal pardon, was disallowed; and thus the old theory that "the King can do no wrong" received the complement necessary in a non-despotic constitution for its smooth working—the individual responsibility of ministers to Parliament (cf. ch. iv., § 3). The Crown's still existent right to pardon at any stage of a criminal process in which it is prosecutor, or in case of impeachments *after* judgment (cf. ch. i., § 23), was not disputed: the point was—in the words of the *Act of Settlement*, 1701, which finally did away with this means of shielding a minister—"that no pardon under the Great Seal can be *pleadable* to an impeachment" (ch. xiii., § 13).

Constitutional and Legal Points in *Danby's Case.*

§ 14. The removal of Danby left the road open for an experiment in administration that stood about halfway between the mediæval plan of using men of the King's direct personal choice, and the modern plan of using men of the Parliament's indirect approbation. The scheme devised by Temple, fresh from his work at Nymwegen (§ 10), was unlike the Common-

Temple's Scheme of Government, 1679.

wealth schemes in not seeking to keep the *personnel* of the Executive absolutely distinct from the Legislative (ch. vii., § 1), and unlike that now in fashion, in being quite unconnected with party politics (ctr. ch. xiii., §§ 1, 2). It consisted simply in resuscitating and reconstructing the King's constitutional body of counsellors, the administrative heir of the historical *Curia Regis* (Intro., § 2). The Privy Council was enlarged so as to include fifteen great officers of State and fifteen independent gentlemen of weight and influence. Their combined incomes of £300,000 would balance, it was hoped, the £400,000 represented in the Commons. Their function was both to act and to advise. They were calculated to render impossible both the secret machinations of a clique like the Cabal (ch. viii., § 10) and the open clamours of the existing Parliament against the King's ministers (§ 13). It was a return to the political ideas of Henry III.'s reign, when a group of baronial magnates vainly aspired to do the King's work without recurring to the assistance, or incurring the odium, of the people. It failed. It did not solve the problem of the relations between Crown and Parliament: that was to be accomplished by the party Cabinet, which was not to absorb the powers of Parliament, but simply to depend on it (ch. xiii., §§ 1, 2, reff.).

Chief Members of the Reorganised Privy Council.

Temple's Council failed, because of both its size and its composition. It was too unwieldy to act with "that secrecy and despatch which," as Charles II. rightly said at the time, "are necessary in great affairs"; and the views of its members were too divergent to permit them to pursue any consistent line of policy. Consequently the King, though he bound himself to act only by the advice of all, soon came to consult with an inner circle of four. These were Temple himself, Robert Spencer, second Earl of Sunderland, George Savile, Earl (after 1682, Marquess) of Halifax, and Arthur Capel, the first Earl of Essex, of this (the present) line. Essex was well meaning, but weak. Sunderland was neither: he was an unflinchingly keen partisan—of himself. His career is a commentary on Macaulay's summary of him: "a man so intent on observing and courting particular persons, that he often forgot to study the temper of the nation." Halifax,

whom Charles was scarcely persuaded to include, did not guide his changes of attitude by his own advantage. He was always on the weaker side, always moderate, never went to extremes. He was consequently nicknamed a *Trimmer*—as though his business was to rectify those lurches of party politics which threatened to upset the boat of State. The contrast which Macaulay * draws between him and Shaftesbury is that between a theoretical and a practical politician: "Shaftesbury was more fertile in expedients, Halifax in arguments." The introduction of Shaftesbury, at the King's desire, into the Council was an ever-flowing fount of discordance. The office which had been given to him to stop his mouth he used to make himself a more effective mouthpiece of the party from whose support, rather than from the King's favour, he derived his strength. Shaftesbury, modern as ever, was the Parliamentary Minister of the Crown rather than, like Danby, the personal servant of the King. Consequently, though he was in style Lord President of the Council, his advice was not valued so highly as that of others, and he was not the man to suffer such treatment meekly.

§ 15. Shaftesbury during this term of office was able to carry a Bill to render impossible certain current methods of evasion or delay which attended the working of the writ of *Habeas Corpus*. Such a measure had several times been introduced during the reign. It was now promoted the more eagerly because the existing defects had been glaringly shown up in the difficulties which one Francis Jenkes, a London citizen, had met in 1676, in getting a speedy trial (cf. ch. ii., §§ 6, 7); and it received the King's assent mainly because he hoped to acquire popularity thereby. The *Habeas Corpus* Act,† formally intituled "An Act for the better securing the Liberty of the Subject, and for Prevention of Imprisonments beyond the Seas" (31 Cha. II., c. 2), is a highly technical document, the most noteworthy provisions of which are the following:—

Jenkes's Case, 1676: *the* Habeas Corpus *Act*, 1679.

* *Essay on Sir William Temple* (about the middle).

† The entire Act is reprinted in an Appendix to Stubbs' *Select Charters*, pp. 517-523; and a fuller abstract than that in the text is given in Taswell-Langmead's *Constitutional History*, ch. xv., pp. 650-652. The section numbers in square brackets are those of the printed Act. See too above, ch. ii., § 6 *n*.

i. "*Speedy Relief of all persons imprisoned for criminal or supposed criminal matters.*" Stages :—

(1) Any such person (exceptions *sub.* iv.) may sue out a Writ of *Habeas Corpus* from the Lord Chancellor or any one of the Superior Judges, in vacation as well as in term.

(2) The Judge so entreated must award the Writ, returnable immediately before himself or one of his colleagues, "of the degree of the coif," unless the prisoner

(*a*) is committed for treason or felony plainly expressed in the warrant of commitment [§ 2.]; (*b*) has wilfully neglected for two whole terms to pray a *Habeas Corpus* for his enlargement. (This applies to vacation time only.) [§ 4.]

(3) Upon service of the Writ, the officer in whose charge the prisoner is shall bring him before the proper judge, with the return of the Writ and the true cause of commitment. [§ 3.]

(4) The judge shall, within two days, discharge the prisoner, taking his recognizance with one or more surety or sureties, in any sum according to the judge's discretions, having regard to the quality of the prisoner and the nature of the offence, for his appearance in proper course of judicature—at King's Bench or at the next Assizes, Sessions or general Gaol-delivery. [§ 3.]

ii. *Safeguards for the Observance of these Regulations* :—

(1) Endorsement of all such Writs with the words "*Per statutum tricesimo primo Caroli secundi regis*," and the signature of the person awarding the same. [§ 3.]

(2) Time-limit of twenty days at the utmost fixed for the gaoler to make return to the Writ. [§ 2.]

(3) *Fines for Neglect* :—

(*a*) Gaoler liable to fine of £100 for first offence, £200 and disqualification from office for the second offence, if he fail to make returns or to bring up body of prisoner, or to supply the same within six hours of demand with a true copy of his warrant of commitment. [§ 5.]

(*b*) Judge denying any Writ of *Habeas Corpus* liable to forfeit £500 to the injured party. [§ 10.] This applies to Chancery and Exchequer as well as to King's Bench and Common Pleas.

iii. *No Re-committal for the same offence :* penalty, £500. [§ 6.]

iv. *Persons committed for Treason or Felony* shall be—

(1) Indicted during the next term, Sessions, or Gaol-delivery, or else released on bail (unless it be proved on oath that the King's witnesses could not appear);

(2) Discharged from prison, if either acquitted or not brought to trial in the second term following. [§ 7.]

v. *Space-Scope* of the Writ of *Habeas Corpus* : it may run into any County Palatine, the Cinque Ports, and other privileged places in England, Berwick-upon-Tweed, Jersey and Guernsey. [§ 11.]

vi. *Transportation* : except in specified cases no inhabitant of England is to be sent as prisoner to Scotland or beyond the seas, within or without the dominions of His Majesty. [§§ 12—16.]

§ 16. Neither the acceptance of "Shaftesbury's Act"—as it was called at the time—nor the adoption of Temple's re-organised Privy Council, availed to stop the attack on the Duke of York. Charles repeated his offer, made in the last session, to concur in any moderate Bill for restraining a Popish successor so long as it did not "tend to impeach the right of succession nor the descent of the crown in the true line." Instead of which, the Commons introduced a Bill "to disable the Duke of York to inherit the Imperial Crown of England." On May 21 the second reading of this *Exclusion Bill* was carried by a majority of 79 in a full House; and on May 26 Charles prorogued, and later dissolved, his third Parliament.

The Exclusion Bill and Dissolution, May 1679.

This step he took with the approval of the inner circle, but entirely without the advice, and indeed against the wishes, of Shaftesbury and the majority of the re-constructed Privy Council. Temple did not seem to be aware that in abetting such conduct he was cutting the throat of his cherished conciliation scheme. He and his friends hoped that the Parliament summoned to meet in October would be less refractory. As a matter of fact, the elections went still more against the Government; and in October Charles, preferring to seek Louis' aid again, rather than meet such a body, made the first of a series of prorogations which ultimately postponed the assembling of Parliament for a full twelvemonth. Shaftesbury, who had in May sworn "to have the head of the man who had given the advice of dissolution," was in October once more dismissed from office and the Privy Council. According to Dangerfield, Madame Cellier, and other disreputable informers, rewards for his assassination were being offered by the Papist plotters. These stories made him still more of a popular Protestant hero (§ 12).

The Second Dismissal of Shaftesbury, October 1679.

In the abeyance of Parliament Shaftesbury had no weapon handy, except the somewhat risky one that Pym, whose methods he seems to have studied to some effect, had used in 1640—the *Petition* (ch. iv., § 1). Addresses entreating the speedy assembling of Parliament poured up to London in such

Petitioners or *Whigs* v. *Abhorrers* or *Tories*, 1679—1680.

numbers, that in December Charles issued a Proclamation enforcing the Act of 1661 against tumultuous petitioning (ch. viii., § 3). These addresses were met by counter-addresses expressing abhorrence of such unconstitutional infringements of the Prerogative in fixing the times and seasons of the National Council. The two parties called themselves *Petitioners* and *Abhorrers*: the nicknames they gave one another have proved more enduring. The names *Whig* and *Tory* derive their origin from the sister kingdoms, which at this time seldom came into English politics except in the odour of hate or contempt. The advocates of York were insultingly likened to the Papistical brigands and outlaws that infested the bogs and wild places of Ireland, and were branded as *Tories* (ch. xvi., § 11). His antagonists were flouted for their fear of Roman Catholicism by being put on the level of the boorish bigots of the Scottish Lowlands: these were called *Whigs*, either from the faces, sour as *whey*, which mirrored the serious bent of their minds, or from the cry "Whiggam!" which was their way of telling their horses to "gee up" (cf. ch. v., § 13).

§ 17. These Scottish Calvinists were in ill case about this time. Lauderdale, ever more interested in strengthening the Crown than in religious differences, had in 1669 obtained from the Scottish Estates a clear recognition of the Royal Supremacy over the Scottish Kirk (ctr. ch. iii., § 7), and had used that Supremacy, as his fellow-ministers were about the same time using the similar power in England (§ 3), to secure religious toleration. Many of the ministers ejected in 1662 (cf. ch. viii., § 5) were allowed to return to their work, but on conditions so contrary to the old covenanting profession that Charles's Scots Declaration was called "*The Black Indulgence.*" Many ministers still went about the Western Lowlands holding field-conventicles in defiance of the law; and as failure attended all judicial attempts to boycott such ministers by prohibitions—*Letters of Intercommuning* that made intercourse with them a criminal offence,—recourse was had to military methods. In 1677 a force of 8,000 Highlanders, commanded by John Graham of Claverhouse, was let loose on the Clyde Valley

The Black Indulgence and the Highland Host, 1669—1678.

to repress all unauthorised religious assemblies as dangerous to the public peace. By similar methods Louis XIV. sought a few years later to root out the French Calvinists in the Cevennes (ch. xi., § 1).

Bothwell Brigg, 1679, and the "Killing Time," 1679—1686.

The signal of active resistance was, as in the beginnings of the Scottish Reformation (vol. II., ch. v., § 3), the murder of the Archbishop of St. Andrews —in the one case as the chief symbol of persecuting "Popery," in the other as the chief symbol of persecuting "Prelacy." On May 3, 1679, James Sharp, who was the more hated for having once stood high in the Presbyterian counsels, was murdered on Magus Moor, hard by the city that held his archbishop's stool. A month later Claverhouse, with a detachment of his "Highland Host," was beaten back by an armed conventicle at Drumclog,* near Hamilton (June 3); and on the strength of that the peasants around rose in rebellion against present Episcopacy and a future Romanist ruler. On June 22, however, the rising was crushed in the battle of Bothwell Brigg, a few miles up Clyde from Glasgow. The Duke of Monmouth, the winner of the victory, was straightway superseded by his rival of York (§§ 13, 18). It was convenient for Charles that his brother should be out of the way: it might also turn out to be useful to have his brother at the head of a reliable Scottish Army (cf. ch. xvi., §§ 6, 14). James set to work with a will on a persecution so severe that the next eight years of Scottish history were stigmatised as the "Killing Time." One section of the Covenanters, however, stood out stubbornly. They were called *Cameronians*, after their chief, a minister who, in June 1680, issued the *Sanquhair Declaration*: the burden of which was that Charles and James, by their "perjury and breach of the Covenant," had done away with the bonds of an allegiance which they envisaged as conditional (cf. ch. i., § 6).

§ 18. Such an assertion of the Divine Right of Resistance (ctr. § 23, ch. xi., § 10) was bound to have its effect on the course of English affairs. The fact, too, that the Abhorrers were so numerous might well have warned Shaftesbury not

* An account of this skirmish, and in fact of all these troublous times, is given in Scott's *Old Mortality*; and an apologia for Claverhouse (pronounced Claver'se) in Aytoun's *Lays of the Scottish Cavaliers*—"The Burial March of Dundee."

to go too far. He preferred to go farther. On June 26, 1680, he presented the Duke of York as a Popish Recusant to the Grand Jury at Westminster; but the charge fell through, owing to the sudden discharge of the jury by Justice Scroggs.

Parliament IV.: October 21, 1680–January 18, 1681. *The Exclusion Bill* again.

The Commons, however, still were with Shaftesbury. Their first word, when they at last came together (§ 16) on October 21, 1680, was "to suppress Popery and prevent a Popish successor." In vain was concession on concession offered by Charles: in vain did Halifax propose "limitations." These included the provisions that no ecclesiastical, civil, or military appointment should be made during the reign of a Roman Catholic king without the consent of Parliament, or, during a recess, of a permanent Council of forty-one, nominated by the two Houses. The Commons would have nothing but the *Exclusion Bill*, which they carried all but unanimously. But after a long debate the Lords, mainly swayed by a speech in which Halifax "did outdo himself and every living man," threw it out on the second reading by 63 to 30. The Commons were furious: they demanded Halifax's dismissal, refused supplies, resolved that no member should take office under the Crown, and declared the Great Fire of London to have been the work of Papists (ch. viii., § 8). They would not listen to renewed concessions, taking away the veto and control of foreign relations from a Roman Catholic king.

Charles was materially strengthened in his attitude, as Elizabeth had been in the crisis of 1566 (vol. II., ch. vii., § 12), by dissension in the councils of the would-be manipulators of the succession. The natural person to succeed Charles, should his brother be set aside, was James's elder daughter Mary, who was at once heiress, a Protestant, and the wife of the head of the Protestant cause abroad (§ 10). But Shaftesbury preferred to support an outsider, who if successful would probably be his own tool, and, as usual, disliked the Dutch connection (§ 6). He therefore pressed the claims of the Duke of Monmouth, whom Charles II. believed to be his son, and whom Shaftesbury, alleging a secret marriage between Lucy Waters and Charles in the days when the latter was

Monmouth *v.* Mary as Crown Candidates.

comparatively honourable, made out to be a legitimate son. As a *pis aller* he had proposed to introduce a Bill enabling the King to divorce Katharine, and marry again in hopes of an indisputably legitimate heir. Halifax, on the other hand, took the less revolutionary course of accepting James as likely to be but shortlived, and to leave the crown to his Protestant daughter; and it was on William's behalf that he had moved the rejection of the *Exclusion Bill*.

Dissolution of Parliament.

Shaftesbury attempted to keep up the shaken confidence of his party by renewing the terror, and to this end the venerable Lord Stafford (a Howard) was tried for complicity in the plot, condemned by his peers (55 votes to 31), and beheaded. The shouts of belief in his innocence at his execution showed the tide was turned. Charles, who kept a cool head throughout, declined Sunderland's advice to yield. On January 10, 1681, he prorogued, and eight days later dissolved, his fourth Parliament.

Parliament V. at Oxford, March 21—28, 1681.

§ 19. After an interval of only two months Charles met the third and last of his short Parliaments. He seems to have discerned the signs of the times better than his antagonist. Shaftesbury, here as before, had indeed anticipated modern Parliamentary methods: he tried to induce the constituencies to exact pledges from—or as we say nowadays, "to give a mandate to"—their members to push the *Exclusion Bill* "to the last," to lay down certain rules for the exercise of the Prerogative of calling, adjourning, proroguing, and dissolving Parliaments, etc. But Charles had made a better bid for popular support in summoning this Parliament to meet not at Westminster as usual, but at Oxford: which was a loud way of telling his subjects that their King did not feel safe in his own capital, and an appeal to their remembrance of the stirring times of 1642, when his father's retirement to Oxford had been one of the indications of civil war. The impression of impending internecine strife thus given was intensified by the sight of armed men crowding about where Parliament sat, by the violence of the Whig language, and by the stealthy manner in which Charles set about dissolving the Parliament. On its eighth day the King, finding that it declined to accept any compromise, and was rushing

the *Exclusion Bill* once more, went to Christchurch in one sedan chair, and, to avoid suspicion of his intent, sent his robes of State in another. The faithful Commons were summoned to the Lords, and to their amazement found themselves dissolved. Not even the usual prorogation broke their fall; and Shaftesbury's endeavour to keep the Houses sitting in the King's despite proved utterly futile.

§ 20. The dismissal of Charles II.'s fifth Parliament left him pretty much in the same position as Charles I. had occupied in 1629 (ch. ii., § 11). Perhaps he was better off: though he had London hostile, he had the counties not merely indifferent but distinctly in his favour; he had a much larger revenue, drawn from sources unimpugnable on the score of legality, and supplemented by the three years' pension which he had recently secured from Louis XIV.; and he had a few regular regiments at his disposal—regiments reinforced in March 1684 by the garrison withdrawn from that expensive Portuguese dowry, Tangier (cf. ch. viii., § 9). Hence it is that the Seven Days' Parliament marks the beginning of what has been somewhat hyperbolically called "the Second Stuart Tyranny" (1681—1688). Like his father, Charles started off with a Declaration justifying his course of action, and proceeded to visit his adversaries with a revenge which, if not laudable, was excusable both for its provocation and for its success. In obtaining this revenge his chief instrument was his father's—the law-courts. The perjured witnesses and packed juries were turned against the Whigs who had of late been perverting legal procedure to party purposes (§ 11). Moreover, the King had on his side the Judiciary —especially the three successive occupants during these years of the Chief Justiceship of King's Bench—Scroggs, Pemberton, and Jeffreys (cf. ch. iii., §§ 2–4).

After the Bill, 1681—1685.

Charles had already obtained from the full Bench of Judges a decision which was a great help in muzzling his critics. Their most effective tool was the printing-press, which the Church, the Crown, and the Long Parliament had successively striven to restrain by limiting the number of type-founders, master-printers, apprentices, and presses, and by prescribing the pillory and

Carr's Case, 1680.

other punishments for the publication of anything without the *imprimatur* of the appointed censor (ch. iii., § 6; ch. v., § 10, *fin.*; esp., vol. II., ch. xi., § 3). After the Restoration Parliament had formally authorised the Government to exercise regulative powers similar to those which in Charles I.'s reign it had exercised by Prerogative (ch. viii., § 3); and the *Licensing Act* thus initiated in 1662 was periodically renewed until it was allowed to expire amid the distractions of 1679 (§§ 13-16; cf. ch. xiii., § 3). In *Carr's Case*, 1680, however, the judges practically affirmed that the Crown possessed at common law the powers whose parliamentary sanction thus lapsed: "If you write on the subject of government," they said, "whether in terms of praise or of censure, it is not material; for *no man has any right to say anything of government.*"

§ 21. The public pulse was, as it were, felt by bringing to trial Stephen College, an Oxford joiner who had recently invented a handy weapon designed for dealing with the stray "Papist," and known as "the Protestant Flail." He was condemned for treasonable words, and on August 31 executed; and the popular approval of his treatment—men wanted an easy way of condoning their late connivance at brutalities on the other side—encouraged Charles in his way of vengeance. Shaftesbury had already been committed to the Tower on a charge of treasonable conspiracy, and applied in vain for the *Habeas Corpus* which he had so carefully hedged in with safeguards in his Act of 1679 (cf. § 15), and which Pemberton now refused on the ground that the Tower was not within the jurisdiction of his Court. Ultimately, after four months' detention, Shaftesbury was set free because the Grand Jury of the City of London had "ignored" the bill of indictment against him, or, in other words, had not found sufficient evidence against him to "present" him for trial at the Assizes.

Imprisonment of Shaftesbury, July 2—Nov. 24, 1681.

This *ignoramus* of the Londoners had, however, as a matter of fact, little to do with the evidence offered: the Grand Jury was a party body, and was likely to remain Whig so long as the London Sheriffs, its appointers, were also Whig (§§ 16, 24). Shaftesbury's partisans struck, in honour of his deliverance, a medal showing the sun emerging from

clouds, and inscribed *Laetamur*; and this suggested to Charles the title and form of Dryden's satire on him, *The Medal*. Dryden's better-known attack on Shaftesbury, in which the poet likens him to the wily Jew who in Hebrew story led astray King David's favourite son, had appeared amidst a score of scurrilous pamphlets while their object was yet in prison. In *Absalom and Achitophel** Shaftesbury is pictured as—

> "For close designs and crooked counsels fit,
> Sagacious, bold, and turbulent of wit,
> Restless, unfixed in principles and place,
> In power unpleased, impatient of disgrace,
> A fiery soul which, working out its way,
> Fretted the pigmy body to decay,
> And o'er-informed the tenement of clay."—(*Vv.* 153—159.)

Similarly, Shaftesbury's political methods are thus summarised in *The Medal**:—

> "He preaches to the crowd that power is *lent*,
> But not *conveyed*, to kingly government,
> That claims successive bear no binding force,
> That coronation oaths are things of course;
> Maintains the multitude can never err,
> And sets the people in the papal chair." (*Vv.* 82—87.)

Death of Shaftesbury, January 21, 1683.

Almost exactly a year after his release Shaftesbury embarked at Harwich for Amsterdam (November 28, 1682), where two months later he died. *Karthago nondum deleta*, as a Dutchman called the country against which Shaftesbury had been wont to rail (§ 6), protected him from extradition by the grant of its citizenship. He had not quitted England till he found London made too hot to hold him by Lord Mayor Sir John Moore's pitchforking two Tories into the shrievalty; till he found that the zeal of the "ten thousand brisk boys" whom he boasted to have at his back could no longer be counted on for more than mere rowdiness; and till the efforts of his friends Trenchard and Courteney to stir up an insurrection in the West had signally failed.

The Rye-House Plot, May 1683.

§ 22. Shaftesbury had discussed the promotion of risings with other friends also; and to some of these was meted out the punishment which he himself lawfully deserved. A group of obscure Whigs, headed

* The poems are well worth studying in their entirety: their various allusions are explained in the annotated editions of *Dryden's Political Poems*, annotated by W. D. Christie (Clarendon Press), and by Churton Collins (Macmillans).

by one Rumbold, plotted to murder Charles and James as they rode past the Rye House near Broxbourne, Herts, on their way up to town from Newmarket. The plot broke down because the brothers made their journey earlier than was expected, and its authors were for the most part discovered and put to death.

Execution of Russell, July 1683, and of Sidney, December 1683.

Several of the Whig leaders were involved in the ruin of the Rye-House plotters. The chief of these were Lord William Russell, the Earl of Essex, and Algernon Sidney, who, though they had nothing to do with the assassination scheme, had been in communication with the conspirators, and had at one time joined with Shaftesbury in promoting an "Association for the defence of the Protestant religion, King, and Parliament" (cf. xiii., §§ 4, 5). On the sole evidence of their old fellow-worker, Lord Howard of Escrick, Russell, Sidney, and others were found guilty. By the Treason Law of 1552 (vol. II., ch. v., § 7), no one could be condemned of treason without evidence of an overt act of treason vouched for by more than one witness; but these safeguards of personal liberty were trampled on by Judge Jeffreys and his colleagues, or, in the case of Algeron Sidney, eluded by the pretext that an unpublished republican treatise found amongst his manuscripts amounted to a proof of treasonable intent.

On June 13, the day on which Russell was sentenced, Essex committed suicide; on July 21 Russell, and on December 7 Sidney, went to the block. Charles is said to have refused point-blank an offer of £100,000 to spare Russell, remarking, "If I do not take the lives of these men, they will soon take mine": in other words, Charles did not believe in the possibility of logically drawing the line anywhere between opposition to the Crown, and murder of the King.

The Doctrine of Non-Resistance.

§ 23. On the day that Russell, the leader of Shaftesbury's party in the Commons, fell a victim to his disbelief in the doctrine of Non-Resistance, urged on him by his clerical friends Tillotson and Burnet, the University of Oxford practically committed itself to that position by the formal issue of a decree similar to the Canons of 1606 (ch. i., § 8), against pernicious books and damnable doctrines. In this decree the University roundly

anathematised as "false, seditious, and impious" some twenty propositions, such as that all civil authority is ultimately derived from the people, and that there is any compact, tacit or express, between King and subjects. There were two distinct varieties of opinion in vogue at the time as regards the limit, if any, of political allegiance: according to some one might, nay ought to, disregard kingly commands that were against human or divine law, or in the phrase of the day offer "Passive Resistance" thereto, while others denied any such qualifications of the duty of obedience. This doctrine of absolute Non-Resistance was not countenanced by the University: Oxford was content to abide by the wording of 13 Cha. II., st. 1, c. 6 (ch. viii., § 7), and to assert that it was the *taking up of arms* against a lawful sovereign, holding his throne by the divine law of hereditary succession, that "might not be done by any man, at any time, in any case, upon any colour or pretence whatsoever." The air was, quite naturally, thick with such theories at a time when men were suffering from the unscrupulous maintenance in act of their opposites. It was in 1684 that Sir George Mackenzie, the Scots Lord Advocate, asserted in his *Jus Regium* that "monarchy in its nature is absolute:" it was in 1685 that Sir Robert Filmer's *Patriarcha*,* the recognised English classic statement of the case for Divine Right, was first published (ctr. § 17, *fin.*; ch. xi., § 10).

Charles II.'s Despotic Mechanism.

§ 24. The theories of despotism thus enunciated were accompanied by several practical steps on Charles's part to place upon a secure basis the despotism which he was, in point of fact, occupying. It was not enough to have men and money, and to be for a moment in favour with the people: he must also be able to work Parliament in his interest as Shaftesbury had been able to work it against him. The county members he could, as a rule, depend upon: it was in the boroughs that the fighting strength of the Whigs had lain. As he could no longer venture to create fresh boroughs (ch. viii., § 3), he must needs doctor the existing constituencies. As the Whigs were, to a large extent, Protestant Nonconform-

* It was written in 1645. The last few pages of Hallam's *Constitutional History*, ch. xiii., contain useful extracts from these and similar works of the period.

ists, much could be done, by way of both revenge and electioneering, through the strict enforcement of the Clarendon Code (ch. viii., § 4).

Remodelling of Corporations, 1683.

Still more was done by the revision of the municipal constitutions. Here Charles could follow his father's example and use the law, as interpreted by partisan judges, to secure his ends (cf. ch. iii., § 3). A start was made with London, which now, as in 1640, was keenly Parliamentarian. In June 1683 a writ of *Quo Warranto* was issued, inquiring "by what authority" the City had imposed certain tolls, and in 1679 joined in petitioning for a speedy assembling of Parliament (§ 16). It was decided by the Judicial Commission that the City had violated, and consequently forfeited, its charter; and the new Charter granted by Government was so devised as to secure a Tory municipality. Similar methods were applied to provincial boroughs: royal commissioners were sent round to inquire into alleged breaches of chartered rights and prescribed forfeiture and re-organisation. Some boroughs sought to secure gentler handling in the way that many religious houses had sought to stave off Vicar-General Cromwell's anger in 1536-39 (vol. II., ch. iv., § 7)—by a voluntary surrender of their privileges. They met with a similar disappointment. Jeffreys boasted loudly how in his circuit of 1684 he had "made all the charters, like the walls of Jericho, fall down flat, and returned laden with surrenders—the spoils of towns."

Specimen Infringements of the Law, 1684-5.

§ 25. Despite all these preparations, however, no new Parliament was summoned in Charles's days, and nobody seemed to mind. Yet under the terms of the *Second Triennial Act*, 1664 (ch. viii., §§ 3, 7), a Parliament was due in March 1684; and by neglecting to summon one Charles broke the law in a marked manner. So too he ventured quietly to defy Parliament by the release of Danby (§ 13), and still more conspicuously to override the *Test Act* of 1673 (§ 4), by recalling the Duke of York to the Privy Council, and reinstating him in his High Admiralship (cf. § 2; also ch. viii., § 8). Quite at the beginning of 1684 York's nephew and rival, Monmouth, who had been arrested at Stafford during his

second semi-royal progress in September 1682, but pardoned, was sent into honourable banishment in Holland.

The Chits *v.* Halifax, 1681—1684.

In this course of action Charles was following the advice of a group of Courtiers known at the time as "the Chits." They included Lawrence Hyde—the younger son of the Chancellor, and after 1682 Earl of Rochester—Sunderland, an astute deserter from the Opposition (cf. § 14), and Sidney Godolphin, whom Charles once complimented as a sagacious young man, "never in the way and never out of the way." All these were, like Charles himself, under the influence of the Duchess of Portsmouth (§ 5); and that implied a policy of friendship with France. Very soon after, by his pecuniary arrangement with Charles (§ 20), he felt safe from Parliamentary pressure on the English Government, Louis XIV. became aggressive: he sought to round off his north-eastern frontier by the seizure of Strassburg (September 1681), and by the siege of Luxemburg. In the course of the next three years he annexed the bulk of Elsass, which thus became the French Alsace, and in 1684 greatly increased his hold on the Mediterranean by the compulsory conversion of the state of Genoa to his alliance. True, English quiescence was but one of the causes that made Louis' successes possible. William of Orange was muzzled by the republican party; and the Emperor was hard pressed by the Turks, who took the discontented Magyars under their wing, and in September 1683 would have taken his capital Vienna but for "a man sent from God, whose name was John."*

The Death of Charles II., February 6, 1685.

§ 26. The chief official opponent of Charles's abstention from Parliament and of his amity with France was the Marquess of Halifax. He wanted Charles to let byegones be byegones in respect of the Whig opposition, to return to the policy of the Triple Alliance, and to summon a Parliament, assuring the King that there was every likelihood of its being as loyal as the Cavalier Parliament in its early days. James tried, but in vain, to obtain the dismissal of Halifax from the post of Lord Privy Seal: Halifax succeeded in ousting

* This text, from S. John i. 4, was chosen by the preacher at the thanksgiving service at S. Stephen's Cathedral, Vienna, after the Polish King, John Sobieski, had relieved the city.

Rochester from the Treasury on the charge of malversation. The issue between the rival parties was still doubtful when Charles was stricken with palsy on February 2, 1685, and four days later died. On his deathbed he apologised to his courtiers for being "such an unconscionable time in dying;" begged his brother "not to let poor Nell Gwynn starve" (cf. § 5); and secretly received from Father Huddleston, a Roman Catholic priest who had helped in furthering his flight after Worcester (ch. vi., § 5), absolution, Extreme Unction, and the Holy Viaticum. The Tuscan minister in London triumphantly noted that Charles was "a great acquisition by God in Paradise."

Characteristics of Charles and his Reign.

Charles exceeded most men in the candour with which he disregarded the proprieties; but this disregard has shocked later generations much more than it shocked contemporaries. His witty affability and good humour won him much more popularity than his selfish absorption in his own comforts won him dislike. For in nothing but the desirability of comfort did he firmly believe: his amours, his fondness for exercise—he easily outwalked any of his courtiers—his normal concessions to Parliamentary feeling, his steady resistance to his brother's disherison, his friendship with France, his refusal to risk his throne by open acknowledgment of his Roman Catholicism, are easily harmonised by that creed, and by that creed alone. For the future he did not greatly care: he watched with indifference the formation of the permanent political parties which were destined to make Parliament supreme and to divide the spoils of the Crown between them. But he did care much to have peace in his time; and, with that in view, he could always wait cheerfully for his turn of good luck. That was why he did not, as a rule, stroke the public the wrong way, in policy or in his use of the laws. Hence it is that Fox has called his reign "an epoch of good laws and bad government," and that Hallam, who had no spare love for the Stuarts, wrote thus: "the fundamental privileges of the subject were less invaded, the Prerogative swerved into fewer excesses, during the reign of Charles II., than in any former period of equal length."

CHAPTER X.

JAMES II.'S THREE YEARS OF TRIUMPH.

From the Accession of James to the Acquittal of the Seven Bishops, February 6, 1685—June 30, 1688.

§ 1. Some Stuart Parallels; James II.'s Good Points.—§ 2. James II.'s Opening Words and Deeds; the Summer Session of Parliament, May 19—July 2.—§ 3. Argyll's Insurrection in Scotland, May 1685; James's Scottish Doings.—§ 4. Monmouth's Insurrection in the West of England, June—July; the "Bloody Assize," September 1685.—§ 5. Influence of Success on James's Attitude to his Council and to Parliament in its Winter Session, November 9—20: Attempt to annul the *Test Act* and to enlarge the Standing Army.—§ 6. James as a Diplomatist and as a Tolerationist.—§ 7. The Dispensing Power in the State and in the Church; *Hale's Case* and the Court of High Commission, July 1686.—§ 8. The Fall of the Hydes, and the Mission of Dyckveldt in the Spring of 1687.—§ 9. James II.'s *First Declaration of Indulgence*, April 4, 1687.—§ 10. Dissolution of the First, and Attempt to pave the way for a Second, Parliament, July 1687; James II.'s *Second Declaration of Indulgence*, April 22, 1688.—§ 11. The Trial and Acquittal of the Seven Bishops, June 29, 30.—§ 12. The Birth of a Son and Heir, June 10; the Seven-Signed Invitation to the Prince of Orange, June 30, 1688.

Some Stuart Parallels.

§ 1. There is a rough parallel between both the reigns and characters of the first and the second pair of Stuart kings in England. In each case a comparatively pure, honourable, and pig-headed man succeeded a comparatively coarse, clever debauchee; and the later member of each couple elevated into *doctrines* which he owed it to his God and to his country to defend at all costs the *theories* held by their respective predecessors about the means and ends of government. Each of the four considered himself the absolute owner of his throne, his title-deed being the unwritten one of Divine Right; but whereas James I. and Charles II. always, in the long-run, recognised the practical fact that those who dwelt on their estates were mightier than they themselves were, Charles I. and James II. clung to their "rights," and enforced them

in so unwise a manner, that it was found necessary to show them, by the harsh method of eviction, that they were not really landlords, but tenants. The kingship was, after all, made for the nation, not the nation for the kingship.

Some Good Points in James II.

James, Duke of York, was warmly welcomed to the throne from which he had been so nearly excluded a few years ago (ch. ix., §§ 16-19). Though, perhaps, never so popular as his brother, he was, and was known to be, a more trustworthy man. He had already proved both his skill and his bravery as the administrator of his department—the Admiralty (ch. viii., § 8; ch. ix., § 2); and he proved equally successful as a general superintendent of public affairs. He was, unlike Charles, assiduous in his application to details; he saw that the military, naval, and civil services were all in good order, and were conducted with some regard to economy; he was quite as intent on fostering trade and commerce as his brother had been (ch. ix., §§ 1, 3); and he was less likely to offend national sentiment by truckling to a foreign power (ch. viii., § 12). Moreover, he restored something like public decency at Court, and did his best to discourage duelling. Unfortunately he was less at home in measuring the possibilities and impossibilities of a political situation than in contriving reforms piecemeal: in a word, he was an administrator, not a statesman.

James's Opening Speech, February 6, 1685.

§ 2. The stability of James's reign depended upon how far he could keep his religion to himself—in other words, how far he would neglect his duty of bringing as many souls as he could to adopt what he believed to be "the only true religion." It was hoped that the panic of a few years since would teach him, as it had taught Charles, to let things alone; and this hope was strengthened by his first speech in the *rôle* of king. In the Privy Council held immediately after the death of Charles II., he pledged himself to "preserve the government in both Church and State *as it is now by law established*": he would "maintain the Church, which he knew to be loyal, and the laws, which made him as great a king as he wished to be; he would neither relinquish his own rights nor invade those of his subjects." The speech was

greeted with thanks by Halifax, and on the advice of Finch, the Solicitor-General, was issued as a Proclamation. The effect was to make James popular, even in London. "We have the word of a king"—came a voice from the pulpit—"and of a king who was never worse than his word."

James's Opening Acts, February—April.

But James was at once too conscientious and too dull to learn the lesson of moderation; and, besides, everything conspired to imbue him with the belief that circumstances had changed. He had not been excluded, but had come to the throne; and he put down two armed rebellions (§§ 3, 4). As for his opening words, he probably kept them in the sense in which he gave them; but that sense was not that in which they were taken. Anyhow, they told more in his favour than his opening acts told against him. He had Latin Mass publicly celebrated in his chapel at Whitehall. Titus Oates was fined, degraded, lashed almost to death, and imprisoned for life (ch. ix., § 11; ch. xii., § 8); but in popular estimation that was nothing more than his deserts. The customs-duties, which were not authorised by Parliament beyond the term of Charles's lifetime (ch. viii., § 6), were still not only collected, but expended; but even Sir Edward Seymour, the most outspoken Whig in the Parliament which met on May 19, recognised that this stretch of legality was necessary in the interest alike of commerce and of the State, and consequently raised no complaint.

The Spring Session of Parliament, May 19—July 2, 1685.

The loyal tone of Parliament—due at least as much to the general sentiment of the nation as to the recent Tory gerrymandering of borough constituencies (ch. ix., § 24)—had probably not a little to do with the expansion of the King's designs. James received a life-grant of £1,900,000 per annum, consisting of the old taxes, together with new duties on tobacco and sugar: this was half a million more than Charles II., even in his later years, had enjoyed. A Bill was passed "for the preservation of His Majesty's person," which made the law of treason more stringent, especially by extending that offence to embrace an attempt to change the descent of the crown. An address praying for the enforcement of the ecclesiastical penal laws was nipped in

the bud by James's mere threat of a few "decisive and firm words." Perhaps it was only the suspension of sittings during the rebellion of Monmouth that prevented the repeal of the *Habeas Corpus Act* (ch. ix., § 15); for James held, not altogether unreasonably for his day, that "no government could subsist with such a law."

The Rising of Argyll in Scotland, May 2—June 30.

§ 3. While Parliament was thus voicing the national acceptance of James, a remnant of his old opponents was raising its head again. The Whig exiles in Holland (ch. ix., §§ 21, 22) resolved to make an appeal to the anti-Popery prejudices of their fellow-countrymen. National jealousies, however, caused them to divide their scanty forces: the Earl of Argyll sailed to Scotland, the Duke of Monmouth to England. Argyll, son of the Marquess who was at the head of the Scottish opposition to Charles I., and who died on the scaffold in 1661 (ch. iv., § 8; ch. viii., § 5), landed on May 2 in the Clyde. After a fruitless effort to raise his clan, the Campbells, he crossed over to the Western Lowlands, where the Covenanting spirit was strongest (ch. ix., § 17). But he had no power either as a fighter or as a leader, and was easily captured. On June 30 he was executed under the old sentence of "leasing-making"—*i.e.*, causing sedition by the circulation of lies—from which he had fled early in 1682.

James's Religious Policy in Scotland.

After Argyll's failure, James attempted to induce the Scottish Estates to remove the religious and civil disabilities of Roman Catholics. But the anti-Romanist feeling was even stronger in Scotland than it was in England; and the Estates would not listen to the King's propositions. They were therefore prorogued; and James, "by his sovereign authority, prerogative royal, and absolute power, which all his subjects were to obey without reserve," suspended all laws against Roman Catholics and moderate Presbyterians. In order to make this toleration the more acceptable, he also promised that he would use no force to any one on account of his religious persuasion, nor resume possession of old Church-lands. The fierce persecution at first directed against the Covenanters, in order to please the Episcopal party, was thus

dropped (cf. ch. ix., § 17). The wished-for conciliation of the Presbyterians hardly followed. Their experience tended to make them fear the Stuarts, even when they bore them gifts; and this distrust was not diminished by the Romanist monopoly of appointment to municipal and other offices (§ 6).

Monmouth's Rising in the West of England, June 11—July 6.

§ 4. Meanwhile Monmouth had struck his blow; and though he gave more trouble than did Argyll, had failed as utterly. Landing on June 11 at Lyme Regis in Dorset, he issued a proclamation demanding greater influence for Parliament in affairs of State, and freedom of worship for Protestant Nonconformists. On June 20 he reached Taunton, and there assumed the style of king. He was well received by the townsfolk and the peasants, but the gentry would have none of him. They were by no means convinced of his legitimacy, and from their experience of the last few years (ch. ix., §§ 20-24) were able to gauge the chances and consequences of failure. "King Monmouth," as he was commonly called, to distinguish him from his namesake and rival, was greatly disappointed to find his former popularity had so greatly waned, but was somewhat cheered by the warmth of his reception at Bridgewater. His movements, however, began to be seriously hampered both by his insufficient supply of arms—for which agricultural implements were a poor substitute—and by the gathering militia and regular army which the reigning king was now pushing to the front. On June 24 he made a dash for Bristol, but was intercepted and driven back by the royal cavalry; then he turned into Wiltshire, where a successful skirmish took place with the King's army at Philip's Norton. On the other hand, an attempt on Frome, where arms were stored in plenty, was thwarted by the Wilts militia.

The Battle of Sedgemoor, July 6, 1685.

With heavy heart Monmouth fell back on Bridgewater. The royal army, under Feversham and Churchill, was encamped three miles away on Sedgemoor. There Monmouth, knowing that his raw recruits could not face their opponents in the open field, attempted a surprise in the early morning mists of July 6. All went well till his troops unexpectedly came to a wide drain—the Bussex Rhine—similar to those that

they had already crossed. In the confusion a pistol accidentally went off: the royal troops were alarmed and marshalled by Churchill. Monmouth fled, but his country lads fought stoutly till the artillery began to play on them; then they too broke in flight.

"The Bloody Assize," September.

Monmouth was captured two days later in the New Forest, and, after begging hard for life in a personal interview with James, was on July 15 executed in accordance with the Act of Attainder, which had already been passed by Parliament and received the royal assent. For those who had fought, or even shown sympathy, with him a fearful retribution came. First, *military* repression was tried with "Kirke's Lambs" as agents: these were the troops of Colonel Kirke, Feversham's successor. Their hundreds of victims were not enough for James. A more effective punishment, by *judicial* methods, was carried out by Chief Justice Jeffreys and four assistant justices. In Somerset and Dorset together, he had the pleasure of sentencing 320 persons to be hanged, and 841 to be transported. These last were granted to favourites at Court—both gentlemen and ladies—and by them sold, at some £10 to £15 apiece, for ten years' slavery in the West Indies. Jeffreys made no allowance for age, youth, or sex, and he treated the accused with all manner of brutality: his manner and his heavy sentences have combined to brand his work with the name of "the Bloody Assize." Charles, in his gentlemanly fashion, had disliked Jeffreys: he said that Jeffreys had "more impudence than ten carted street-walkers." James, attaching more weight to zeal in his cause than to cruelty against his enemies, rewarded him on September 28 with the Lord Chancellorship.

§ 5. James was not altogether fortunate in his success.

Influence of Success on James's Policy.

Monmouth's removal left William of Orange, who had hitherto maintained a friendly attitude and given good advice to his father-in-law, the only resource of the discontented. More disastrous for him was the rank growth in his conceptions as to what was possible, his increased stiffneckedness in carrying forward his plans, and his increased intolerance of opposition.

These facts stood forth conspicuous in his conduct during the autumn of 1685, as regards both his Ministers and Parliament. He had, immediately after his accession, reversed the relative influence of Halifax and Rochester (ch. ix., § 25). The latter became Lord High Treasurer: the former sank in real importance by his elevation to Rochester's late post of Lord President. This was not wholly due to James's good feeling for his brothers-in-law—he made Rochester's brother, Clarendon, Lord-Lieutenant of Ireland about the same time—but in large measure to Halifax's republican leanings, as instanced in his energetic protest, two years before, against the confiscation of the Massachusetts Charter (ch. xvii., § 4). Such remarks as that "Argyll was hanged on evidence which in England would not be thought enough to hang a dog upon" did not increase his favour. It was true that, but for Halifax's speech, James might never have come to the throne (ch. ix., § 18). James, however, required unwavering and unqualified obedience from his servants; and on October 21 he dismissed Halifax from office for declining to help him to obtain the repeal of the *Test Act* of 1673 (ch. ix., § 4).

Dismissal of Halifax, October.

James quarrelled with Parliament, which reassembled in the following month, for the self-same cause. So far from being inclined to repeal the *Test Act*, the Commons sent up a remonstrance against the King's infringements thereof (§ 6); while the Lords, instead of giving the King unquestioning support, claimed their constitutional right to consult the judges on the matter. James had another cause for displeasure. In his Address from the Throne he had asserted that "to avoid such risings as Monmouth's for the future a standing army was necessary." The Commons —to whom a standing army was a standing bugbear (ch. viii., § 6; ch. ix., § 10)—met the demand with an offer of only £700,000, half the amount demanded, and postponed the formal grant of even that until the question of the tests had been settled. Although the members were to a large extent in his pay, and might doubtless have been "persuaded" to meet him half-way, James prorogued Parliament in anger after a session of less than three weeks.

The Winter Session of Parliament, Nov. 9—20.

§ 6. If Parliament would not help him, he must look elsewhere: accordingly he fell back on the usual Stuart reserves—the law-courts and the Prerogative. Besides, he had promises of support from his brother's old protector, Louis XIV. He had accepted a French present of £67,000 immediately after his accession. But he had a greater amount of personal and national pride than the late king; and in a speech in Parliament he had said: "I am a thorough Englishman at heart, and as jealous of the honour of the nation, as you yourselves are." To show his independence, he received the French ambassador without rising or uncovering; and after the fall of Monmouth he felt strong enough to enter into alliance with the States-General and into negotiations with Spain—neither of whom were friendly with France (ch. xi., § 1). Louis did not greatly resent such harmless exhibitions of vanity, for he knew that, without French help, James had no chance of carrying through his ecclesiastical schemes.

Relations of James II. and Louis XIV.

James had by this time probably quite made up his mind that it was as possible as it was desirable to revive Mary's work and restore England to the Roman obedience on Rome's own terms. At first, however, he contented himself with endeavouring to better the position of his co-religionists. In order to effect this he was compelled, as many other leaders of a minority have been compelled, to take his stand on a wider principle than he really liked—Religious Toleration. He advocated the removal of both the religious and the civil disqualifications attached by law to Nonconformity in words that remind us of Oliver Cromwell's contention (ch. v., § 8):—

James as a Tolerationist: i. In Theory.

"His Majesty intends," says a foreign envoy, reporting a conversation with James, "every one to enjoy Liberty of Conscience; and there being among his subjects many Catholics who may do the Crown and Nation some useful service, he desires to entrust them with a portion of the numerous offices that he has from time to time to confer: *for it is not right that subjects capable of serving well should be prevented from doing so by reason of their creed.*"

We have nowadays almost entirely accepted James's contention; but it does not follow that it was a possible and right position at the end of the seventeenth century. Perhaps James might have obtained

ii. In Practice.

liberty of worship, or at least of conscience, for all Nonconformists, but his endeavour to open all offices to them roused suspicion. He was, as a matter of fact, even more one-sided in his patronage than Cromwell had been (§§ 7, 8): a party which throws open offices, hitherto close, to all "without distinction of party," usually is one-sided in its application of its principle, and it has the justification that it has years of ill-balanced and misplaced patronage to redress. James did not, however, take up the policy of all-round toleration at the outset: it was not until he had found out the uselessness of attempting to bend leading members of both the clergy and the laity of the Established Church to accept his ecclesiastico-political notions that he deserted the Tory-Episcopal party and took under his wing the whole body of Nonconformists (§§ 3, 9, 10).

§ 7. James early set to work to give Roman Catholics their due proportion of offices in Church and State. He began with military offices, the disposal of which was admittedly in the King's hands. More was involved in this policy than met the eye. James thoroughly believed that more men would be attracted into professing Roman Catholicism by admission to office than by licence to say, or listen to, a Mass.

The Dispensing Power: i. In the State.

As he had been unable to procure the abolition of the *Test Act* (§ 5), he had to get round it somehow: this he did by *dispensing with* its obligations in particular cases (cf. ch. ix., § 3). He thought it would be as well to have legal countenance for this course; and accordingly, in April, 1686, a collusive action was brought against Sir Edward Hale by his servant Godden for accepting a commission in the army without taking the oaths prescribed by the *Test Act* (ch. ix., § 4). James had taken the precaution to remove four of the judges whom he knew to be opposed to his use of the Dispensing Power (cf. ch. i., § 15); and so, when the judgment was given in June 1686, eleven out of the twelve judges who sat in the Court of King's Bench to try the case decided in the King's favour. Chief Justice Herbert gave amongst his reasons that the kings of England were sovereign princes, and that the laws of England were the King's laws: consequently

Godden v. Hale, June 1686.

he could dispense with penal laws in particular cases. The result of the decision was the flooding of military and civil posts with Roman Catholics, genuine or professed.

ii. In the Church.

In dealing with the Church James adopted a somewhat similar method. Just as in the State he set aside the provisions of the *Test Act* by virtue of his Prerogative, so by virtue of his Supremacy over the Church did he set aside the provisions of the Carolian *Act of Uniformity* (ch. viii., § 4, *n*). Thus, in August 1686, he granted a dispensation to Obadiah Walker, Master of University College, Oxford, to retain his office, though he had become a Roman Catholic; and the College still preserves the statue of James II. which Walker set up in gratitude for the privilege of having Mass sung in chapel after the Roman use. In December James appointed Gerald Massey, a Roman Catholic, to the Deanery of Christ Church, Oxford—a position which carries with it the exercise of decanal functions in the Diocese of Oxford.

The Court of Ecclesiastical Commission, July 14, 1686.

But long before that James became discontented with the slow process of filling up vacancies with men on whom he could rely. On July 14 he issued a patent constituting a Court of High Commission, which was expressly empowered to exercise its jurisdiction, "notwithstanding any law or statute to the contrary." The allusion was to the Act of 1641, which had been confirmed in 1661 (ch. iv., § 6; ch. viii., § 7), abolishing the similar Elizabethan Court. But the jurisdiction of the new court, unlike that of the old court, did not extend to the laity; and therefore James considered that Parliament had nothing to do with it (cf. ch. ii., § 11). It consisted of seven or eight members—ecclesiastics, lawyers, and nobles—Jeffreys, the Lord Chancellor, being always necessary to form a quorum. James meant to give the impression that he wished to exercise impartially his ecclesiastical Supremacy over a Church of which, in its then state, he did not regard himself as a member: in point of fact, he wanted to acquire judicial machinery as easy to manipulate for Church purposes as the ordinary law-courts were for State purposes. The first act of the Commission was to suspend Henry Compton, Bishop of London, for refusing to

suspend Dr. Sharp, Dean of Norwich. Sharp's offence was a sermon preached in S. Giles's, London, in denunciation of the Papacy and in support of the contention that the Church of England was, as it stood, a branch of the Catholic Church. Whatever value may be ascribed to this position, it was manifestly in accordance with the formularies of the Anglican Church: in other words, it was quite legal.

§ 8. In the spring of 1687 James felt it safe to apply his new-fangled tests to the highest posts in the State. He had begun by letting people know that Roman Catholics *might* apply for office: he now went on to make it clear that *none but* Roman Catholics need apply. Halifax had been ousted for resisting the former innovation (§ 5): other ministerial changes accompanied the introduction of the latter innovation. For some time a fierce contest went on between the moderate and the extreme sections of the King's advisers. On both sides there were ranged men of the Church of England. To the former party belonged Rochester, not a moral man, but a strong Anglican, moderate Roman Catholics like Lord Bellaysis, and the Papal Nuncio. The link was loose between these: any supporter of constitutional government was a foe to France, and this enmity was shared by Pope Innocent XI. (ch. xi., § 2). Arrayed against these stood Sunderland, Richard Talbot, Earl of Tyrconnel, and Father Petre, a member of the Society of Jesus, which was at that time allied to France and estranged from the Pope. The King grew less and less accessible to the advice of moderates or non-Catholics, thus strengthening the extreme party; and quite early in 1687 both Rochester and Clarendon were told they must either be converted or go. They chose to go; and Sunderland, who had chosen the other alternative, took the leading position in England: he had the entire management of affairs, and drew a princely income from the moneys passing through his hands. In Ireland Clarendon was in February replaced by Tyrconnel, who had for some time occupied the position of Commander-in-chief of the Forces there. He was an Irishman of bad character: "for," said James, "there is work to be done in Ireland which no Englishman can do" (ch. xvi., § 14).

The Fall of the Hydes, February 1687.

James II.'s Hour of Triumph, Spring, 1687.

The fall of the Hydes, in February 1687, marked the full flood of the King's success. He seemed safe enough from external interference. Louis XIV. seemed a mighty tower of strength which no effort on William's part could break down. Besides, William himself was eminently friendly. Early in the reign he had been assured by James that the alleged attempt to injure him by transferring the succession to Mary's younger sister Anne was false: none the less, the plan had been mooted by Father Petre (cf. ch. i., § 1). The embassy of William's friend Dyckveldt, in the spring of 1687, did nothing more against James than to sound the views of the leading men; and Danby, Halifax, Nottingham, and even such intimate friends of the King as Sunderland and Churchill, showed themselves wishful to find favour in William's eyes in case of necessity.

At home, Roman Catholicism seemed dawning brightly on a benighted land. A few lurid tints indeed appeared: as in 1673 (ch. ix., § 10), an army of 13,000 was encamped on Hounslow Heath to awe London. But a roseate hue prevailed; and shoals of addresses poured in, of which the refrain was that Divine maxim, "*A Deo rex, a rege lex.*"

Fresh Attack on the Universities, April—June 1687.

§ 9. The Court of High Commission was meantime active. The Primate, Sancroft, never attended: so the Romanising clique, headed by Jeffreys and inspired by Father Petre, was unimpeded. They followed up their early step of suspending the Bishop of London (§ 7) by an extensive interference with both the spiritual and the temporal matters of the Church. The Universities were given admirable chances of illustrating the doctrine of Non-Resistance (ch. ix., § 23). They recklessly threw those chances away, and preferred to supply exceptions to that rule. Dr. Peckell, the Vice-Chancellor of Cambridge University, and deputies of the Senate (including Sir Isaac Newton) were in May summoned before the Commission for refusing to grant the degree of M.A. to Francis, a Benedictine monk recommended by the King; and the Vice-Chancellor at least was heavily mulcted. On April 15 the Fellows of Magdalen College, Oxon., elected Dr. Hough as their President in defiance of the King's nomination of Samuel Parker, Bishop of Oxford,

who laboured under the double disqualification of being a Romanist and a blackguard. In June therefore the High Commission proceeded to forcibly eject Hough, along with Fellows who had chosen him and the Demies (*i.e.*, scholars on the foundation) who supported him. In Hough's room they installed Bonaventura Gifford, the King's better choice, instead of Parker, and filled up all the rest of the vacancies also with Roman Catholics.

James II.'s *First Declaration of Indulgence*, April 4, 1687.

About the same time James supplemented these administrative infringements of the liberties of the Church, from which he had at length found that it was idle to expect implicit obedience, by a semi-legislative toleration of all bodies without its pale. On April 4, 1687, a *Declaration of Indulgence* was issued, in which, by his own authority, he disallowed all the religious tests and penal laws. His scheme looked well, but failed. Macaulay sums up James's idea, crisply and not very untruly:—"His hope was that the Tories would follow their principles [Non-Resistance], and that the [Protestant] Nonconformists would follow their interests: exactly the reverse took place."

The Second Regulation of the Corporations, July—Sept. 1687.

§ 10. James II.'s Declaration provoked an almost greater stir than Charles II.'s similar exercise of the Suspending Power in 1672 (ch. ix., §§ 3, 4). At once the Whigs and Tories of the Opposition renewed their court to William: murmurs were so loud that in July James definitely dissolved Parliament after eighteen months' prorogation (cf. § 5). He soon set about getting a new one. This he proposed to manufacture plastic to his will by means of a fresh reorganisation of the franchise. Several Privy Councillors, called "Regulators of Corporations," were sent round to revise the municipal constitutions: the Tory remodelling of 1683 (ch. ix., § 24) was now undone by the readmission of Protestant Nonconformists, who were expected to join the Roman Catholics, also admitted, in electing loyal candidates. The Justices and Deputy-Lieutenants of the counties were asked by a circular from the Lords-Lieutenant to say whether they would comply with the King's wishes; and such as returned evasive or negative answers were removed from office.

About half the Lords-Lieutenant resigned, and their places were refilled with Roman Catholics. The Corporations could not be satisfactorily arranged: the descendants of the Puritans were not, as a rule, eager to pull the chestnuts out of the fire for their bitterest enemies, with whom they had nothing in common, save the negative fact of Nonconformity. Under these circumstances even James saw the impracticability of summoning a Parliament.

James II.'s *Second Declaration of Indulgence*, April 22, 1688.

The failure of method after method in nowise discouraged James from pursuing the end that he had in view. On April 22, 1688, with the sanction of the Privy Council, he reissued his *Declaration of Indulgence*, and ordered it to be read in all the churches in London during the service on Sundays, May 20 and 27, and in all country churches on the following two Sundays. This was too much. In London, only four of the clergy, like the famous Vicar of Bray, "read the Declaration": and in each case the congregation walked out in unanimous protest. Samuel Wesley preached on the words of the Three Holy Children: "Be it known unto thee, O King, that we will not serve thy gods, neither will we worship the golden image that thou hast set up" (Daniel iii. 18).

Trial of the Seven Bishops, June 29, 1688.

§ 11. On Friday, May 18, Archbishop Sancroft and six other bishops* met and drew up a petition to the King, praying to be excused from reading the Declaration, on the ground that it was illegal. All except Sancroft went in person to present their petition. James repeatedly called it "a standard of rebellion." "No good Churchman," he told them, "had ever before questioned the Dispensing Power." James was quite right, but he forgot the important change of circumstances: that power had never before been used so conspicuously against the "good Churchman." On June 8 the seven bishops, mobbed by a populace shouting prayers for their safety, were sent to the Tower, on the charge of uttering a malicious libel. They were afterwards released on bail, and the trial was fixed to take place before the King's Bench on June 29. At the trial the first difficulty was to prove the bishops'

* The seven bishops were William Sancroft, Archb'shop of Canterbury; Lloyd, Bishop of S. Asaph; Ken, Bishop of Bath and Wells; Trelawney, Bishop of Bristol; Turner, Bishop of Ely; Luke, Bishop of Chichester; White, Bishop of Peterborough.

handwriting. This was done by a clerk of the Council, to which the petition had been sent, and to which the bishops had, under promise that their statements should not be used against them, confessed their signatures. The next difficulty was to get evidence of its publication: this was finally given by Sunderland, just as a verdict of acquittal seemed necessary.

Late at night the jury retired to consider their verdict. The greatest precautions were taken to prevent their being tampered with. At length the single dissentient, Arnold, the royal brewer, was brought round; and when the Court met next morning the foreman was enabled to say "Not Guilty." In a few moments all London was being shaken with shouts of gladness; and James was disgusted to find that even the soldiers whom he had gathered at Hounslow to deter or suppress opposition cheered at his discomfiture. Popular sympathy had been throughout with the bishops. The Cornish cry for the bishop of their own race—

Acquittal of the Seven Bishops, June 30, 1688.

"And shall Trelawney die, my boys? and shall Trelawney die?
Then twenty thousand Cornishmen will know the reason why?"—

had mingled with the mocking ballad *Lillibullero*, a string of verses of almost meaningless gibberish, whose author, Lord Wharton, used afterwards to boast that he "had whistled a King out of his three kingdoms." The refrain "Lillibullero Bullen a-la" comes after each of the lines, of which the following are specimens:—

"It's by my Shoul de English do praat
De Laws on dare side, and Creish knows what.
But if the Dispense do come from de Pope,
We'll hang Magna Carta, and demselves in a Rope. . . .
Now, now de Hereticks all go down,
By Creish and S. Patrick the Nation's our own." [Cf. ch. xvi., § 14.]

§ 12. "The Trial of the Seven Bishops," it has been said, "was the last straw that broke the back of the nation's endurance." But that description applies far more truly to an event which took place just after the arrest of the bishops. On June 10 James's wife was delivered of a son—James Francis Edward. Various circumstances—especially the accident that the birth had been witnessed only by Romanist attendants—led men to fancy that the child was supposititious; and stories were rife about

Birth of a Son, June 10.

the smuggling of a man-child into the palace in a warming-pan. Perhaps the wish was father to these baseless rumours: forthwith the appearance of an heir—who would assuredly be brought up a Roman Catholic—ended those hopes of the succession of a Protestant heiress that were keeping many men quiet (cf. ch. ix., §§ 5, 18, 19).

The Seven-signed Invitation to William of Orange, June 30, 1688.

If the birth of an heir was "the last straw," the universal rejoicing over the bishops' acquittal was "the straw which clearly showed the way the wind" of popular sentiment was blowing. But unorganised popular feeling, however widespread, can do nothing without leaders and some kind of a nucleus round which to gather. Accordingly on the very day of the acquittal a petition was sent to William of Orange, praying him, as the husband of the heiress to the British crowns, to bring over an army with a view to "the restoration of English liberties and the protection of the Protestant religion." The message is said to have been conveyed by Admiral Herbert, disguised as a common sailor (cf. ch. xii., § 10); and it was signed by seven magnates who thoroughly represented all sections of the opposition to the King. Henry Sidney and Edward Russell—one of whom had lost a brother, the other a cousin, on the scaffold in 1683 (ch. ix., § 22)—together with the Earls of Devonshire and Shrewsbury, stood for the Whigs and their allies the Protestant Nonconformists; Danby, Charles II.'s old minister, and sometime advocate of Non-Resistance (ch. ix., § 7), Lord Lumley, and Henry Compton, the suspended Bishop of London, stood for the Tories and their allies the Anglicans. They invited William to come over and help them for the same reason as Pym and his friends had asked the Scots for their support in 1640-41 (ch. iv., § 2), and as the ultra-Romanist party had asked Philip of Spain for his aid against Elizabeth: they felt it was ridiculous to go unarmed to despoil of his power a king strong in the control of the whole machinery of government. As for William, he cared little or nothing for the cause he was besought to aid, but he did care to have England on his side in his duel with Louis of France. He knew his time had come, and he said to Dyckveldt (§ 8), "*Aut nunc aut numquam!*"

CHAPTER XI.

THE PROTESTANT REVOLUTION.

From the Appeal to William of Orange to his Acceptance of the English Crown, June 30, 1688—February 13, 1689.

§ 1. International Aspects of English Affairs, 1685—1688: the Revocation of the *Edict of Nantes*, October 15, 1685; the *League of Augsburg*, 1686.—§ 2. Difficulties in the Way of William's Intervention: as (*a*) a Protestant Diplomatist.—§ 3. As (*b*) Stadtholder of Holland.—§ 4. As (*c*) Guardian of his Wife's Interests in England; James's Doings, July—September.—§ 5. Relations of James, William, and Louis, July—September.—§ 6. William's *Declaration from Loo*, and James's Concessions, October.—§ 7. The Invasion: from the Landing of William to the Negotiations at Hungerford, November 5—December 8.—§ 8. The First Flight of James and his Return, December 11-16.—§ 9. The Retirement of King James from London and the Arrival there of Prince William, December 18; the Second Flight of James, December 23; the First Convention.—§ 10. The Meeting of the Second Convention, January 22, 1689: its plans for a settlement.—§ 11. *The Declaration of Right* accepted by William and Mary, February 13, 1689.—§ 12. Appreciation of the Protestant Revolution: Changes in the Crown and in the Constitution.

Revocation of the *Edict of Nantes*, October 15, 1685.

§ 1. The appeal to William of Orange brought England once more into touch with Continental politics, in which, since the *Peace of Nymwegen*, 1678-9 (ch. ix., § 10), she had displayed little active interest. But the indifference with which the English State regarded Louis XIV.'s doings (cf. ch. ix., § 25) was far from being shared by the English nation. Partly under the deepening influence of Madame de Maintenon, a widow-lady whom he had secretly married in 1683, partly in order to demonstrate that, though he kept up the old French alliance with the Turks and widened the long-standing French breach with the Papacy (§ 2), he still merited his style of "Most Christian King," and partly in hope to effect a restoration of the ecclesiastical solidarity of France (cf. ch. ii., §§ 1, 5, 10), Louis had of late years

started upon an ambitious religious policy at home which alarmed the Protestant interest as much as his political ambitions alarmed Europe in general. Richelieu had suppressed the political independence of the Huguenots (ch. ii., § 10): Louis was resolved to put an end to their religious existence. After some years of *Dragonades*—of enforcing conversion to Roman Catholicism by quartering dragoons among the Huguenots (cf. ch. ix., § 17)—he felt it was time to strike a final blow. On October 15, 1685, he revoked the *Edict of Nantes*: in other words, he made any act of nonconformity to the Gallican Church a criminal offence, by revoking the document in which Henry IV. had in 1598 guaranteed a certain measure of religious liberty to his old co-religionists the Huguenots (vol. II., ch. ix., § 11). Louis' declaration of war to the knife against Protestantism naturally augmented the alarm felt by Englishmen at James's open avowal, in the same month, of an anti-Protestant policy in their own country (ch. x., §§ 5, 6); and neither the subsequent policy of the two kings, nor their friendship one with another, had lessened this alarm.

The League of Augsburg, July 1686.

While England was thus mutely interested in the opposition to Louis, Louis' enemies were no less anxiously keeping their eyes on the happenings in England. Frederick William, the "Great Elector" of Brandenburg, lay on his death-bed during the autumn of 1688; and the direction in which he looked for deliverance for himself, his fellow-princes, and his Protestant brethren out of the hand of France is dramatically shown for us in his choice of the watchwords—one night it was "*London*," the next "*Amsterdam*." The connecting link between the two was William of Orange, who in July 1686 had at length succeeded in stringing together another defensive coalition against France—the *League of Augsburg*. That League embraced the Emperor, the North German princes, Sweden, Spain, and the United Provinces; and in the following year Bavaria, Saxony, and the chief princes of Italy, including the Pope (§ 2), gave in their secret promise of support. Of the leading Powers in Western Europe, England and her sister kingdoms alone held aloof. The result of the former war, when Charles II. was, if not

helping, at least not opposing Louis XIV., had been sufficiently favourable to the Allies to justify William in the hope that, with England on his side, he might yet realise the one fierce passion of his life—to destroy the overweening predominance of Louis XIV. (ch. ix., §§ 2, 10).

William's Difficulties: i. As Protestant and European Statesman.

§ 2. Eager as he was to get a firm grip on England, William could not jump at the invitation of the English gentry (ch. x., § 12). In each of his several capacities—as protector of Protestantism, as leader of Europe against France, as Dutch Stadtholder, and as guardian of his wife's reversionary interests in England—he was beset with obstacles in the way of rapid action which might well become positive perils should he be precipitate. His first duty was to keep in hand the coalition which he had striven so hard to effect. But that coalition contained both Roman Catholics and Protestants, and William dreaded lest the former should withdraw from the League on the ground that his attempt on England was purely religious in aim—viz., the prevention of the imminent conversion of that country to Romanism.

Louis XIV.'s Quarrels with the Papacy, 1673—1688: 1. The Gallican Church.

All danger of such defection was however removed by Louis himself, who chose this very moment to multiply his causes of quarrel with the Papacy, and thus to constitute himself the common foe of Papalism and Protestantism. The triangular duel between Crown, Church, and Papacy which we have described as a normal feature of the Middle Ages had for some ten years been going on with unusual intensity in France, over a money-question somewhat similar to the English quarrel about Annates (Intro., §§ 5, 6, 7, 10). In 1682 Louis had induced the clergy of the Gallican Church, assembled in council at S. Germain's, to commit themselves to his side, by asserting that sovereigns are not subject to the Pope in things temporal, and that a General Council is superior to the Pope. Thus until 1693, when these articles were repudiated, Louis XIV. was in much the same position as our Henry VIII. after 1533 (Intro., § 5): he was conducting an ecclesiastico-political struggle with that same Holy See whose religious doctrines he was enforcing by sword and stake.

In 1688 this standing quarrel was sharpened into open war. In the previous winter Louis had sent troops to Rome to maintain the right of asylum in the district round the French embassy there; and in the autumn of 1688, when the electoral archbishopric of Köln fell vacant, he was preparing to support by force his candidate, Fürstenberg, Bishop of Strassburg, against Joseph Clement, brother to the Elector of Bavaria, the candidate put forward by both Pope and Emperor. Louis was naturally loath to lose his former outpost on the Rhine. Innocent XI., on the other hand, not only disliked Louis, but was offended with Louis' English ally for the impolicy of his zeal and for his patronage of the Jesuits (ch. x., § 8). He heaped blessings on the cause of William, as being the enemy of his enemies. James complained with good reason of the favour shown by his spiritual head, the Pope, to William and "*suis ex haeretica faece complicibus.*"

2. Political Wranglings.

§ 3. In his own country, again, William's difficulties seemed insuperable. The government of the United Provinces was a narrow and cumbrous federation, devised rather to foster local liberties than to undertake prompt national action. The Stadtholder lay under the usual disabilities of a limited monarch: without the consent of the States-General, he could not levy troops, raise taxes, or declare war. But the consent of the States-General was exceptionally elusive, because they were more like a congress of envoys from independent communities than a Parliament. Its members were delegates, not representatives, of the various provincial States, as they in turn were of the cities contained in them: if a member exceeded the strict limits of his instructions, his action might legally be repudiated by his constituents, and joint action required the consent not merely of a majority but of all. It seemed therefore constitutionally necessary that before William could collect forces, or the means to pay them, he should both inform every city of his plans and secure their unanimous assent. The first would be fatal to secrecy: the second—in the face of the powerful French party which survived De Witt's death (ch. ix., § 2)—threatened to be hopeless. William,

ii. As Stadtholder of Holland, etc.

however, temporarily tided over the first difficulty by putting forth an expedition against Algiers as the object of his preparations, for which his large private savings provided the means. Louis XIV. gave his powerful support in clearing away the second. Even Amsterdam itself, thoroughly French in its sympathies as it was, could not offer any active opposition to William at a time when Louis was refusing mercy to Dutch-born heretics in his dominions, and laying prohibitive duties on Dutch herrings.

iii. As Guardian of his Wife's English Interests.

§ 4. William's purely English difficulties were considerably less than those which have faced other would-be invaders of England. Unlike Philip II. a hundred years before (vol. II., ch. ix., §§ 9, 10), he was not likely to be met by a resolute English navy in the Channel, he had not to delay anywhere to pick up fresh troops, and he could count on an exasperated religious majority. But like Philip of Spain, he was a foreigner; and what he had mainly to fear was lest his appearance in England at the head of a Dutch army should excite national pride against him. More fortunate than their neighbours on the Continent, the English had not become accustomed to the presence of foreign troops in their midst.

James's Home Conduct, July—September.

William's other difficulties were lessened by Louis: this was removed by the English king. James himself set the fashion of importing "foreign" troops, and so made the nation less unwilling to welcome any other set of foreign troops as deliverers. His English army had shown its hostility to its master by cheering at the acquittal of the Seven Bishops (ch. x., § 11): they were accordingly scattered about the country, and in part leavened, in part supplemented, by Irish troops (cf. ch. xvi., § 14). To the sentimental mistake of thus further arousing English national prejudices (cf. ch. v., §§ 5, 9), he added the practical mistake of not going far enough. He brought over enough Irish to annoy, but not enough to overawe.

Moreover, James made the breach between Crown and Church wider by an abortive order issued to the chancellors and archdeacons of each diocese to make a return to the High Commission Court of all the clergy—estimated at

10,000—who had failed to read the *Declaration of Indulgence* (ch. x., § 10). The irritation which this order and the bringing over of Irish Romanists produced was evident to the King's advisers, if not to himself; and two of his chief confidants, Sunderland and Churchill, found it expedient to make friends with William by supplying him with useful information as to their master's doings and intentions.

In the Fall of 1688: Louis warns James, August.

§ 5. James not only made his kingdom ready to hail William as a deliverer, but also, by offending his French ally (cf. ch. x., § 6), made it possible for that deliverer to come. Louis, who was kept well posted up in William's proceedings by Avaux, the French envoy at the Hague, warned James that William's warlike preparations were really directed against England. Sunderland represented this as a mere dodge of Louis to gain the support of England against the Pope (§ 2). Besides, James did not give his nephew and son-in-law credit for all his power and treachery: was not William at this very time having prayers daily offered up in his chapel for the welfare of the infant prince?

Louis leaves James in the lurch, September.

At the end of August the States-General were informed that Louis had taken both King James and Cardinal Fürstenberg (§ 2) under his protection, and that any measure directed against either potentate would be accounted equivalent to a declaration of war against France. That announcement would probably have led the States-General to refuse their assent to William's plan when submitted to them: they were not likely to expose themselves to a repetition of 1672 for the sake of "the liberties of England" (ch. ix., § 2). But James declined the proffered French fleet, repudiated the assertion, gave Louis the lie before Europe, and explained to every one that "there is some difference between a King of England and an Elector of Köln." He thus threw away what was practically his last chance of safety. Either believing that James, if left to bear the brunt of William's attack, would learn his need of a French alliance, or simply preferring the advice of his war-minister Louvois to that of Avaux, Louis gave up his threatened invasion of Flanders, and towards the close of September poured his forces

towards the middle Rhine. That action, like the revocation of the *Edict of Nantes* (§ 1), has been often styled "the greatest political error of his reign."

William concludes his Preparations October.

If, as Macaulay puts it, William had previously "seen with stern delight his adversaries toiling to clear obstacle after obstacle from his path," he was now justified in doing more than "smiling inwardly at the misdirected energy of his foe." All fear of invasion being removed, he was able to draw troops from the frontier strongholds, and—more important still—to obtain the secret assent of the States-General to his scheme. Even the oligarchy of Amsterdam, always dreading lest the House of Orange should become despotic, refrained from vetoing the expedition. He next won confidence by choosing as his second in command "the greatest living master of the art of war"—Schomberg, an English-speaking German Protestant, who had won the Marshal's bâton under Louis XIV., but had refused to buy continuance of favour in France by a change of religion.

William's *Declaration from Loo*, October 10.

§ 6. Finally, William must needs explain fully both to Europe and to England the objects of his undertaking. Accordingly, a Declaration was drawn up by Fagel, the Dutch Grand Pensionary, and a learned publicist, and Englished in an abridged form by Gilbert Burnet, the confidential friend of William and Mary and afterwards Bishop of Salisbury:—

i. *Preamble*: the necessity of the strict observance of law alike to the happiness of nations and to the security of government.

ii. *The Need of Intervention*: the unconstitutional acts of James—more particularly the straining of the Dispensing Power; the general preference given to Papists in Church and College, State and Army; the interference of the illegal High Commission Court in ecclesiastical matters; and the dismissal of judges and other officials who disobeyed the King's orders on the plea of their illegality.

iii. *William's Right of Intervention*: he was husband of the heiress of England (for "over the birth of the pretended Prince of Wales grave suspicion rested"), and he had been invited by many Lords Spiritual and Temporal.

iv. *The Objects of Intervention*: William was going over at the head of force sufficient to repel violence (but with no thought of conquest) in order to secure the assembling of a free and legal Parliament, to the decisions of which he solemnly pledged his adherence. [Cf. ch. vii., § 11.]

James's Concessions, October.

When, on November 1, James read this document, he became pale and speechless. He knew that neither his large army nor his well-found navy was to be trusted; his only course was a hasty palinode. Feverishly he continued the concessions to popular feeling which he had been making throughout October. He had reversed his conduct to the Church and the boroughs, by promising to maintain the *Act of Uniformity*, by abolishing the High Commission (October 8), and by restoring the charters and the magistrates who had been dismissed along with the old franchises (ch. x., §§ 7, 10). Only the Dispensing Power he would not let go; but this omission was, in popular opinion, more than atoned for by his dismissal of Sunderland (October 28). It was too late. James had not kept the voluntary promise made on the first day of his reign (ch. x., § 2): why should he keep the promises now dragged from him by fear?

The Invasion: William lands, November 5.

§ 7. While James was sending back in state the City charter to the Guildhall (ch. ix., § 24), and bidding the Bishop of Winchester correct what was amiss at Magdalen (ch. x., § 9), his enemy was pressing on with the preparations for invasion, and his subjects were praying for "a Protestant wind." Setting out on October 16 with some 600 transports, escorted by 50 men-of-war, William was driven back by dirty weather (October 21). On November 1 he put forth a second time, and, after first steering towards Yorkshire, directed Admiral Herbert to change his course and make for the Straits of Dover. The gale which favoured William hindered James's admiral, Lord Dartmouth, in moving his fleet of forty sail out of the Thames. After missing his port in the haze, and regaining it through a sudden turn in the wind in which was seen the finger of Providence, William landed at Brixham in Tor Bay on Monday, November 5. The date struck people: it was the anniversary of the national deliverance from "the Gunpowder Treason" (ch. i., § 11). With 13,000 troops he marched to Exeter. Comparatively few natives joined him, but this was easily explained. The western counties had tasted the bitter fruits of unsuccessful rebellion only three years before, and naturally waited till

they saw that this was not a mere haphazard venture of another flighty young man (ch. x., § 4). Further, William had been expected in the North, and tidings soon came that Danby had seized York and that Devonshire had made himself master of Nottingham.

King James fixed his headquarters at Salisbury, and there gathered around him the bulk of his army, 40,000 strong. But even before James joined his troops in person, desertions became frequent. Viscount Cornbury, Clarendon's eldest son, was amongst the earliest to go over, though he failed in his attempt to take three regiments with him. Churchill, James's most trusted officer, soon followed, pleading that his religion outweighed both his loyalty and his interests; and on the very next day James gave orders for a retreat. At Andover Prince George of Denmark left him. "What!" he exclaimed, "is 'Est-il-possible?'* gone too? After all, a good trooper would have been a greater loss." But when he arrived in London next day, he was told that, instigated by Churchill's wife and aided by her old tutor Compton, the Princess Anne, George's wife and James's daughter, had run away; and this news wrung from him the cry of despair, "God help me! my own children have deserted me!"

James retreats, November 25.

In an assembly of all the Lords Spiritual and Temporal within reach—a kind of "Great Council" (cf. ch. iii., §10)—James listened with patience to many unpalatable truths and much wholesome advice, and finally agreed to call a Parliament and to open negotiations with William. Lord Chancellor Jeffreys was ordered to make out writs summoning Parliament to meet on January 13. Three Commissioners were chosen to negotiate with the Prince—Halifax, Nottingham, and Godolphin. Halifax, as his manner was (ch. ix., § 14), hoped to effect a favourable mediation, but warned the King plainly that "he must not expect that those who have the power in their hands will consent to any terms which would leave the laws at the mercy of the Prerogative." James declared his readiness to make great sacrifices: he removed Sir Edward Hale

James treats.

* The favourite response of Prince George to any remark, however commonplace. "I have tried George drunk, and I have tried George sober," said Charles II., "and in neither condition have I found anything in him."

(ch. x., § 7) from the Governorship of the Tower, and promised free pardon to all who had rebelled against him. The three Commissioners met William and his friends at Hungerford on December 8, and began negotiations on the basis that, during the sitting of the Parliament, William's army should not approach within forty miles of London. In reply William demanded that, to secure the free action of Parliament, James's army should remain equidistant from the capital.

The First Flight of James, December 11.

§ 8. But James cared for none of these things, and whilst his friends were working hard for him, he himself was preparing to take refuge in France. "A Parliament," James told the French minister Barillon, "would impose upon me conditions which I could not endure." On the evening of December 9, he sent away his wife and son under the charge of a French gentleman named Lauzun: his own admiral, Dartmouth, would not undertake their escort. After midnight next day he himself departed with the late Governor of the Tower. To embarrass his opponents, he burnt the writs summoning Parliament, and threw the Great Seal into the river.

The Return of James, December 13-17.

On his flight, Halifax, and even numerous Tories like Rochester, felt that they might now fairly side with William; so to do was, under the circumstances, not to oppose the King, but simply the best means of performing those elementary duties of government which the King had abandoned. Accordingly they joined the body of Peers who, under the presidency of Sancroft, took into their hands, pending William's arrival, the task of keeping order in disordered London. Despite their efforts, the populace plundered the houses and chapels of Roman Catholics, and the embassies of Roman Catholic Powers. A wild "Irish Night" (December 12-13) followed, during which all London stood behind barricades, armed to resist the Irish Papists who had just been disbanded by Feversham at James's orders, and who were rumoured to be marching to the sack of the capital. Soon after daybreak tidings came that James had been detained by some Kentish fishermen; and about the same time Jeffreys was found

skulking in a waterside tavern, and was safely lodged in the Tower, where he died. The stronger Tories at once returned to their allegiance, and Halifax took Sancroft's place as head of the Provisional Government. On Sunday, December 16, James again took up his residence at Whitehall, where his kindly reception gave him fresh courage. He found, however, that the Common Council of London would not lend him money or do anything else for him, and that William, now at Windsor, was no longer conciliatory.

Retirement of King James.

§ 9. On December 18 James acceded to William's request that he should again leave London. William had suggested as his place of retirement Lauderdale's luxurious house at Ham, but he had gladly yielded to James's request that he might be allowed to go to Rochester instead: thence the way to France lay open.

Arrival of Prince William in London, December 18.

On the same day that James retired, William took up his quarters in S. James's Palace, which was quickly crowded with courtiers. No one of importance held aloof save Sancroft. Among those who met him was Serjeant Maynard, who had been one of Strafford's accusers (ch. iv., § 3). "You must have survived," said William, "all the lawyers of your standing." "Yes, sir," replied the nonagenarian, "and but for Your Highness I should have survived the laws too."

The Second Flight of James, December 23.

In the streets every one wore orange ribbons. But popular enthusiasm, however encouraging, did not throw much light on the problem as to what was to be done next. Many urged William to assume the crown by right of conquest, like the man of 1485 (vol. II., ch. i., § 2); and a long array of Biblical precedents was quoted to show the validity of such a course. But he desired neither to break his express promise in his *Declaration from Loo* (§ 6) nor to set the people against him. Instead, therefore, of following in the footprints of Henry VII., he preferred to essay to double the *rôles* of Monk and Charles II. Just as Monk had taken his cue from the restored Long Parliament (ch. vii., § 11), so now William took counsel with a body as nearly equivalent to a Parliament as possible: the Peers then in London served as an Upper House, while a Lower House was drawn from

gentlemen who had sat in the Commons during Charles II.'s reign, the City aldermen and a deputation of Common Council being also invited to join. The Lords of this First Convention had already held one sitting—which exhibited a considerable leaning towards the King—when, before dawn on Sunday, December 23, James made a second attempt to escape. This time he was accompanied by the Duke of Berwick, his son by Churchill's sister Arabella, and was successful. Louis XIV. assigned to him and his family the royal palace of S. Germain's, together with an income sufficient to keep up royal state.

Personalities, 1640 *v.* 1688.

This flight had been encouraged in every way by William, for James's presence in England only gave to those who were ready to obey a *de facto* King an excuse for being neutral or hostile to the invader. The Puritan Revolutionists of 1649 had failed largely because, in order to get rid of an impossible King, they had had to kill the person of Charles I., and, in the absence of a suitable substitute, to suppress his office (ch. v., § 14; ch. vi., § 2). The task which faced the Protestant Revolutionists of exactly forty years later was materially lightened by the fact that James II. both removed himself and left ready to their hand persons who were able and willing to sit in his seat, and who, unlike Cromwell, had the advantage of being "born to the purple." Moreover, James II.'s pusillanimity, standing in so marked a contrast to the courage of Charles I., disgusted even those who were most actively loyal. Nor was the menacing letter which he left behind of a sort—as Godolphin told the assembled Peers—"to give their lordships any satisfaction."

William's First Convention, Dec. 21—28.

William's First Convention unanimously asked him to issue circular letters under his own hand, inviting the constituencies to elect a Parliamentary assembly, and meanwhile to take on himself the administration. Under pretence of securing a fairer representation, the borough members were to be returned by the old corporations as constituted prior to 1683 (ch. ix., § 24). William adopted these suggestions, and, with the help of money advanced by the City (ctr., § 8, *fin.*), was soon able to restore order within the kingdom. By his

moderation to all parties he managed to retain the goodwill of even his Roman Catholic allies, and to show Louis his unwisdom in not preventing the invasion (§ 5).

§ 10. The Second Convention came together on January 22, 1689. Like the similarly styled body of 1660 (ch. vii., § 11), its main business was that of a constituent assembly—to determine what was henceforth to be the constitution of England. It immediately confirmed and continued William's executive power, and granted the money for it. But on the future government of the country the Houses represented nearly every shade of opinion. In the Commons, however, the Whigs were strong enough to carry, without much difficulty, two fundamental resolutions which might serve as the basis of their constructive work (January 28):

Meeting of the Second Convention, January 22, 1689.

i. *The Political Situation*: "That King James II., having endeavoured to subvert the Constitution of this Kingdom, by breaking the Original Contract between King and People, and by the advice of Jesuits and other wicked persons having violated the fundamental laws, and having withdrawn himself out of the Kingdom, has abdicated the government; and that the Throne is thereby vacant."

ii. *The Ecclesiastical Situation*: "That it hath been found by experience inconsistent with the safety and welfare of this Protestant Kingdom to be governed by a Popish Prince."

The second of these resolutions was undeniably true, and the Lords, putting aside all theories of indefeasible right, passed it unanimously, and thus recognised the truth of a proposition which they had declined to accept without proof in 1681 (ch. ix., § 18). But the former resolution was as contentious as it was inconsistent. It was simply an amorphous hotchpotch of antecedents which did not agree among themselves and of consequents which were really *non-sequiturs*. It began with the assumption of a principle that had been put forward by theorists as the basis of civil authority in opposition to the equally fantastic and unhistorical theory of Divine Right (ch. ix., § 23). As the latter theory had been appropriated by the Tories, the former was usually adopted by the Whigs and made to yield Whig deductions: it was thus handled, for instance, in the two *Treatises on Government* which Locke, Shaftesbury's old client

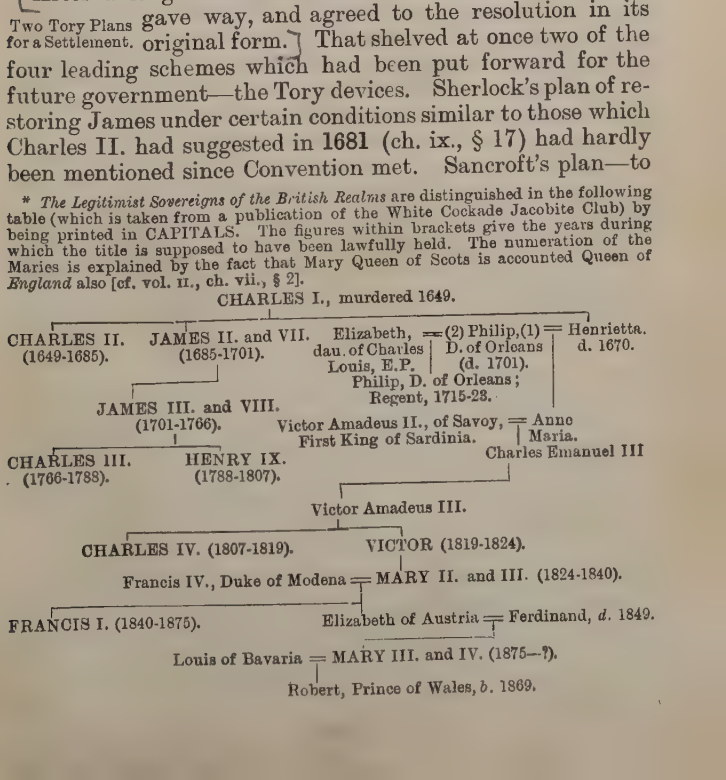
Social Compact *v.* Divine Right.

and fellow-exile, published during the next year in defence of "the Revolution." But at present, in order not to raise party strife, the Whig lawyers Maynard and Somers, who drafted this resolution, refrained from stating the deduction that James, having broken his contract, had ceased to be King.* In its stead they substituted the statement of the fact that James had gone away, the description of his absence as an abdication, and the assumption that as a result the throne was vacant. The Lords readily swallowed the theory of a contract and the fact of James's misgovernment, but amended "abdicated" into "deserted" and cut out the last clause.

Two Tory Plans for a Settlement.

After a long conference between the Houses, the Lords gave way, and agreed to the resolution in its original form. That shelved at once two of the four leading schemes which had been put forward for the future government—the Tory devices. Sherlock's plan of restoring James under certain conditions similar to those which Charles II. had suggested in 1681 (ch. ix., § 17) had hardly been mentioned since Convention met. Sancroft's plan—to

* *The Legitimist Sovereigns of the British Realms* are distinguished in the following table (which is taken from a publication of the White Cockade Jacobite Club) by being printed in CAPITALS. The figures within brackets give the years during which the title is supposed to have been lawfully held. The numeration of the Maries is explained by the fact that Mary Queen of Scots is accounted Queen of *England* also [cf. vol. II., ch. vii., § 2].


CHARLES I., murdered 1649.
CHARLES II. (1649-1685).
JAMES II. and VII. (1685-1701).
Elizabeth, dau. of Charles Louis, E.P.
(2) Philip, D. of Orleans (d. 1701).
(1) Henrietta. d. 1670.
Philip, D. of Orleans; Regent, 1715-23.
JAMES III. and VIII. (1701-1766).
Victor Amadeus II., of Savoy, First King of Sardinia.
Anne Maria.
CHARLES III. (1766-1788).
HENRY IX. (1788-1807).
Charles Emanuel III
Victor Amadeus III.
CHARLES IV. (1807-1819).
VICTOR (1819-1824).
Francis IV., Duke of Modena
MARY II. and III. (1824-1840).
FRANCIS I. (1840-1875).
Elizabeth of Austria
Ferdinand, d. 1849.
Louis of Bavaria
MARY III. and IV. (1875—?).
Robert, Prince of Wales, b. 1869.

treat James as still King, but to leave the actual government in the hands of William as Regent—was effectually knocked on the head by it. Sancroft sacrificed practical efficiency to sentiment: designed to preserve the oath of allegiance to James, and keep up the non-resistance doctrine, his plan, if adopted, must have produced immense friction between the actual and the nominal ruler.

Two Whig Plans.

Hardly less friction would have been felt in the working of another scheme which, though advocated by many Tories, may fairly be considered a Whig plan. Danby and the Moderates held that, as "the King never dies," the throne could not really be "vacant," and that, consequently, by James's "abdication" his heiress Mary became *ipso facto* Queen: they accordingly proposed that her queenship should be recognised as an accomplished fact, and that her husband should act as Regent for her. In opposition to this, lawyers quoted the aphorism "No one can be the heir of a living man," and inferred that James could not be considered by his flight to have demised the crown to Mary. The proposal fell through, however, when it leaked out that neither was William content to be, as he put it, "his wife's gentleman usher," nor would Mary accept a position of superiority to her husband. Thus only the purely Whig plan of election was left; and this was so far modified by Danby's proposal that William and Mary were ultimately named joint sovereigns, "the entire, perfect, and full exercise of the royal power and government being only in and exercised by his Majesty."

The Declaration of Right, February 1689.

§ 11. So many days had been spent in these discussions, that it was felt desirable to clinch this matter of the settlement of the succession and put a formal end to the interregnum before proceeding any further. Any attempt at radical reform would not only take much time, but probably, as in 1641 (ch. iv., § 7), split the political coalition into hostile parties, parties into groups. In order not to repeat the mistake of 1660 of an unconditional revolution (ch. vii., § 10; ch. viii. §§ 1-3), however, a committee of the Commons, headed by Somers, drew up hastily a *Declaration of Right*, which was accepted almost as it stood by both Lords and Commons:—

i. *Recital of James II.'s "arbitrary and illegal" Acts* in order to "subvert and extirpate the Protestant religion, and the laws and liberties of this kingdom" [12 headings, like those in iii., *infra*].

ii. *Statement concerning James's abdication and the summons of a Convention* by the Prince of Orange, "whom it hath pleased Almighty God to make the glorious instrument of delivering this kingdom from Popery and arbitrary power."

iii. "*Assertion of antient Rights and Liberties*": the Lords Spiritual and Temporal and the Commons declare :—

(1). That the pretended power of suspending of laws, or the execution of laws, by regal authority, without consent of Parliament is illegal.

(2). That the pretended power of dispensing with laws, or the execution of laws, by regal authority, as it hath been assumed and exercised of late, is illegal.

(3). That the commission for erecting the late Court of Commissioners for Ecclesiastical Causes, and all other commissions and courts of like nature, are illegal and pernicious.

(4). That levying money for or to the use of the Crown by pretence of Prerogative, without grant of Parliament, for longer time or in other manner than the same is or shall be granted, is illegal.

(5). That it is the right of the subject to petition the King, and all commitments and prosecutions for such petitioning are illegal.

(6). That the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of Parliament, is against law.

(7). That the subjects which are Protestants may have arms for their defence suitable to their conditions and as allowed by law.

(8). That elections of members of Parliament ought to be free.

(9). That the freedom of speech, and debates or proceedings in Parliament, ought not to be impeached or questioned in any court or place out of Parliament.

(10). That excessive bail ought not to be required, nor excessive fines imposed ; nor cruel and unusual punishment inflicted.

(11). That juries ought to be duly impannelled and returned, and jurors which pass upon men in trials for high treason ought to be freeholders.

(12). That all grants and promises of fines and forfeitures of particular persons, before conviction, are illegal and void.

(13). And that for the redress of all grievances, and for the amending, strengthening, and preserving of the laws, Parliament ought to be held frequently.

iv. *Settlement of the Crown* : (1) on William and Mary, and the survivor ; (2) on Mary's heirs ; (3) on Anne and her heirs ; (4) on William's heirs.

v. *New Oaths of Allegiance and Supremacy*: the latter says nothing about the internal aspects of the Royal Supremacy, but, on the external side, abjures the deposing power of the Pope and denies all foreign ecclesiastical authority.

§ 12. On Wednesday, February 13, the Prince and Princess of Orange received the English Lords and Commons in Whitehall, and "thankfully" accepted the crown tendered to them by Halifax, as spokesman for the Estates, under the conditions set forth in the *Declaration of Right*. Forthwith they were proclaimed King and Queen of England, and thereby the episode which has been solemnly styled in statutes "the Glorious Revolution of 1688" attained its formal consummation. What does that mean? A transfer of the Crown which men had sought in vain to forestall in the previous decade (ch. ix., §§ 16-19) had been successfully accomplished. "The course of nature," it has been neatly summarised, "had in one instance been anticipated, and in another stoutly denied: James II. was assumed to be already dead, and his own son and heir was assumed to be a 'pretender.'" The royal pair that profited by these assumptions had to pay the price demanded by the assembly which authorised them: in other words, Parliament had obtained a clear recognition from the new occupants of the throne that most of the disputed practices of the last four occupants were illegal.

The Protestant Revolution: i. Parliamentary transfer of the Crown.

For the moment those were all the results of "the Revolution." They were meagre; but then they had cost little in blood or money. Many other results, however, were destined to come out of these changes in both our constitutional and our international affairs, and to secure them many a bloody, dear war was to be fought the wide world over. England was now pledged to head the struggle against France, the champion of her rejected King and of his hated faith (ch. xii., §§ 1, 7).

ii. Its Constitutional Reach-forward.

That war and its sequels—sometimes turning on the English succession, always based ultimately on the needs of English colonial and commercial expansion (Intro., § 13)—gradually wrung from Parliament the reluctant admission that a standing army was a necessity of England's existence as a nation; and means were speedily found to prevent that army becoming a tool of despotism, at least of royal despotism (ch. xii., § 5).

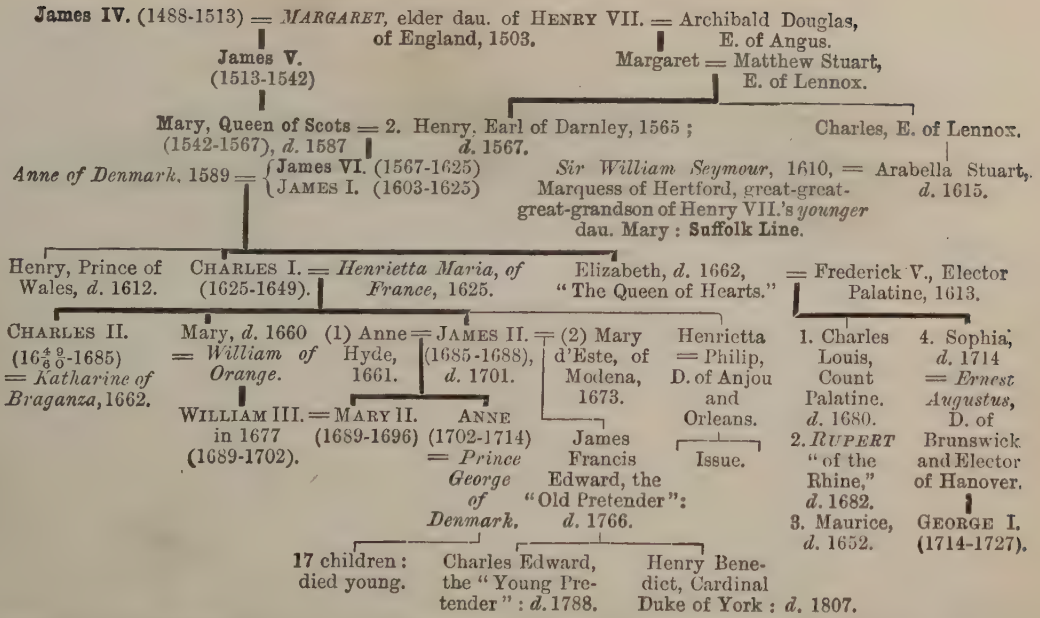
The Army.

Again, James's chief offence was the use of his Supremacy

over the Church in the interest of Rome: hence the move-
The Church. ment which achieved his expulsion is emphatically labelled "the *Protestant* Revolution" (cf. ch. iv., § 7). What could be more natural than that those who punished him for this offence should claim their perquisites? Parliament completed its control over the Royal Supremacy (cf. ch. viii., § 4), and, sacrificing old-world ideals of ecclesiastical unity to political expediency, conceded to all those Protestants who had rallied together for a moment against "the tyranny of Rome" some measure of "religious liberty" (ch. x., § 6; ch. xii., § 6). In thus taking over the standing army and the policy of toleration which the two later Stuarts had adopted to further their own ends, Parliament was shadowing forth the future trend of our constitutional development: instead of disparaging and seeking directly to diminish or abolish the powers of the Kingship, it has come more and more to respect and indirectly to control them.

Fifty years before Parliament had still to establish its
The Administration. right to exist (ch. iii., § 1; ch. viii., § 3): in 1689 it was strong enough to expel a king, to set legal limits to the Kingship, and to place upon the throne a new series of kings who could not becomingly appeal to a divinely derived Prerogative in opposition to the Parliament from which they drew their sole title to reign. It is true that the familiar constitutional devices by which Parliament has in our own day come to exercise that "sovereign power" which in 1629 it denied the king to possess (ch. ii., § 8), as well as those by which the House of Commons—when it happens to have the nation clearly on its side—can peacefully override the House of Lords, were very far from the thoughts of the noble and legal politicians who moulded the Revolution of 1689. But those devices and conventions are, after all, details. The important fact for us here is the general outcome of our Hundred Years' Constitutional War (cf. vol. II., Intro., § 30): if in the stubborn Stuart struggles Parliament had failed to vindicate the superiority of the *Law* to the personal *Will* of the King, our modern governmental mechanism, whether good or bad, could not possibly have come into being (cf. ch. xiii., § 2).

The Royal House of Stuart.


James IV. (1488-1513) = MARGARET, elder dau. of HENRY VII. of England, 1503.
= Archibald Douglas, E. of Angus.
James V. (1513-1542)
Margaret = Matthew Stuart, E. of Lennox.
Mary, Queen of Scots (1542-1567), d. 1587
= 2. Henry. Earl of Darnley, 1565 ; d. 1567.
Charles, E. of Lennox.
Anne of Denmark, 1589 =
James VI. (1567-1625)
JAMES I. (1603-1625)
Sir William Seymour, 1610, Marquess of Hertford, great-great-great-grandson of Henry VII.'s younger dau. Mary : Suffolk Line.
= Arabella Stuart, d. 1615.
Henry, Prince of Wales, d. 1612.
CHARLES I. (1625-1649).
= Henrietta Maria, of France, 1625.
Elizabeth, d. 1662, "The Queen of Hearts."
= Frederick V., Elector Palatine, 1613.
CHARLES II. (16 6/8 0/0-1685) = Katharine of Braganza, 1662.
Mary, d. 1660 = William of Orange.
(1) Anne Hyde, 1661.
= JAMES II. (1685-1688), d. 1701.
(2) Mary d'Este, of Modena, 1673.
Henrietta = Philip, D. of Anjou and Orleans.
1. Charles Louis, Count Palatine. d. 1680.
2. RUPERT "of the Rhine," d. 1682.
3. Maurice, d. 1652.
4. Sophia, d. 1714 = Ernest Augustus, D. of Brunswick and Elector of Hanover.
WILLIAM III. = in 1677 (1689-1702).
= MARY II. (1689-1696)
ANNE (1702-1714) = Prince George of Denmark.
James Francis Edward, the "Old Pretender": d. 1766.
Issue.
GEORGE I. (1714-1727).
17 children : died young.
Charles Edward, the "Young Pretender" : d. 1788.
Henry Benedict, Cardinal Duke of York : d. 1807.

DIRECTIONS.—Scottish Kings in **dark type**; English kings in CAPITALS; men and women connected with the Royal House of Stuart by marriage only in *italics*; dates in brackets denote regnal years; the thick line denotes the lines of descent leading to English crowned heads.

NOTE.—James IV. was in the *eleventh* generation from that Walter *Fitz-Alan* of Oswestry who became Hereditary *Steward* of Scotland in the 12th century, and in the *sixth* from that Walter whose marriage with Marjory **Bruce** brought his son to the Scots throne in 1371 as Robert II.

The War of the English Succession, etc., 1688—1697.

Year	Britain and the Seas.	Western Europe.	Eastern Europe.
1686	*Hale's Case* (June); Court of High Commission (July).	**LEAGUE OF AUGSBURG** (July); *Emp.*, *Sp.*, *Sw.*, *U. P.*, etc. [For abbrevns., see p. 182*n*.]	Lorraine (Imp.) takes **Buda**; Morosini (V.) masters Morea.
1687	1*st Declaration of Indulgence* (April 4).	League joined by *Bav.*, *Sax.*, *Pap.*	Lorraine's victory at **Mohacz**.
1688	2*nd Declaration of Indulgence* (April 22); Birth of James's son (June 10); Acquittal of the Seven Bishops (June 30); **Landing of William** (Nov. 5).	Louis invades the Palatinate in support of his nephew's claims thereto, and of Cardinal Fürstenberg's claims to the Electoral Archbishopric of Köln (September).	Lorraine reduces Transilvania, and captures **Belgrade** and **Nisch**. Mustafa Kiuprili, Grand Wazir.
1689	(i) *England: Decl. of Right* (Feb. 13). (ii) *Scotland: Claim of Right* (May 11); **Killiekrankie** (July 27). (iii) *Ireland:* James II.'s Nationalist Parliament (May). **Siege of Derry** (Apr. 16—July 30); **Newtown Butler**.	England, etc., joins Augsburg League. (i) *Low Countries:* Engl. forces under Marlborough share in Waldeck's defeat at **Walcourt** (Aug. 5) at the hands of Humières. (ii) *Rhine:* Frederick William of Br. and Duke of Lorraine retake **Kaiserwerth**, etc.	Regency of Sophia in Russia ends; Peter declared of age (17 years).
1690	(i) *England: The Act of Grace* (May). (ii) *At Sea:* Tourville defeats Torrington off Beachy Head (June 30). (iii) *Ireland:* **The Boyne** (July 1); William's **Siege of Limerick** (Aug.); Marlborough's Campgn. in S. Ireland.	Colbert's son Seignelay dies. French armies:— (i) *Moselle:* Boufflers. (ii) *Rhine:* Dauphin. (iii) *Low Countries:* Luxembourg beats Waldeck at **Fleurus** (June 30). (iv) *Catalonia:* Noailles. (v) *Italy:* Catinat defeats Duke Victor Amadeus of Savoy at **Staffarda**.	Mustafa Kiuprili recovers **Nisch** and **Belgrade**, and invades Hungary.
1691	Ginkel takes **Athlone**; beats St. Ruth at **Aughrim** (Jy. 12), compels Sarsfield to sign **TR. OF LIMERICK** (Oct. 3).	Death of Louvois. (i) *Low Countries:* Louis *v.* William; Vauban takes **Mons**. (ii) *Italy:* Catinat reduces **Nizza**.	Markgraf of Baden defeats and slays Mustafa Kiuprili at **Czelankemen**.
1692	(i) *At Sea:* Russell defeats Tourville off La Hogue (May 19). (ii) *Scotland:* **Massacre of Glencoe** (Feb. 13).	(i) *Low Countries:* Lux. takes **Namur** and beats William at **Steenkirk** (July 24). (ii) *Italy:* Eugene of Savoy tries to invade Dauphiny.	Note.—In January 1699, *Emp.*, *Turk.*, *Pol.*, conclude the **PEACE OF CARLOWITZ**.
1693	Beginning of the National Debt; Tourville raids the Anglo-Dutch Smyrna Fleet (June 6).	(i) *Low Countries:* Lux. beats William III. at **Landen**, or **Neerwinden** (July 29). (ii) *Italy:* Catinat beats Eugene at **Civitá**.	
1694	Bank of Eng. founded; D. of Q. Mary.	Failure of Tollemache's attack on **Brest** (June).	
1695	Expiry of the Censorship of the Press.	Death of Luxembourg (Jan.). Despite Boufflers, Wm. III. retakes **Namur** (Aug.).	Tzar Peter fails to take Azov.
1696	Renewal of Currency; Assass. Plot.	**TREATY OF TURIN**: *Sav.*, *Fr.*	Peter captures **Azov**.
1697	Parliamentary Reduction of Army to Peace Footing.	**PEACE OF RYSWICK**: (i) *Fr.*, *Eng.*, *Sp.*, *U. P.* (Sept.); (ii) *Fr.*, *Emp.* (Oct.).	Eugene beats Mustafa II. at **Zenta**.

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CHAPTER XII.

THE REIGN OF WILLIAM AND MARY.

February 13, 1689—December 28, 1694.

§ 1. Dangers facing William and Mary at Home and Abroad.—§ 2. The Scottish Revolution: *the Claim of Right*, May 11, 1689; The Club; Establishment of Presbyterianism, 1690.—§ 3. Highland Rising under Viscount Dundee: Battle of Killiekrankie, July 27, 1689.—§ 4. King-in-Council and King-in-Parliament, February—April.—§ 5. The First Session of the First English Parliament, February 13—August 20: Financial Business and the First *Mutiny Act*.—§ 6. Ecclesiastical Business: *the Comprehension Bill*, and *the Toleration Act*, May 24; the Nonjurors.—§ 7. Opening of the War of the English Succession: Defeat of the Allies at Walcourt, August 5.—§ 8. The Second Session of the First Parliament, October 19, 1689—January 27, 1690: *the Bill of Rights*, October 25; Party Conflict on *the Corporation Bill* and *the Bill of General Indemnity*.—§ 9. The First Session of the Second Parliament, March 20—May 20, 1690: Ministerial Changes; Settlement of the Revenue; William's *Act of Grace*, May 20.—§ 10. Torrington's Naval Defeat off Beachy Head, June 30; William's Land Victory at the Boyne, July 1, 1690.—§ 11. The Third English Conquest of Ireland and the Pacification of Scotland, 1691; Massacre of Glencoe, February 13, 1692.—§ 12. Jacobite Plots and Intrigues, 1691; Dismissal of Marlborough, January, 1692.—§ 13. Russell routs Tourville off La Hogue, May 19; Luxembourg defeats King William at Steinkirk, July 24, 1692.—§ 14. Montague's Money Measures, 1693-4: (*a*) Revenue—the Property Tax, etc.—§ 15. (*b*) Loans: the Institution of the National Debt, 1693; the Incorporation of the Bank of England, July 27, 1694.—§ 16. *Third Triennial Act*, December 22; Death of Queen Mary, December 28, 1694

Manifold Insecurity of William and Mary.

§ 1. The accession of William and Mary to the English throne on February 13, 1689, was just as far from completing "the Protestant Revolution of 1688" as the Christmas coronation of Duke William at Westminster was from completing "the Norman Conquest of 1066." In both cases the concise dates are illusory for the real work remained to be done; and on the

whole the Norman had an easier job than "the Oranger." James the ejected had on his side not only a powerful patron in arms abroad (§ 7) but also considerable parties within his sometime realms. Scotland was not persuaded to join in the revolution without bloodshed (§§ 2, 3); Ireland, where James landed in March and placed himself at the head of the national movement, had to be conquered over again (ch. xvi., §§ 14-18); while even in England the Anglican clergy and the soldiers of the regular army were so ill content with the part which they had played that they might well take advantage of the wrangling of parties to provoke a counter-revolution (§§ 10, 11). "If James were but a Protestant," said Halifax, "we could not keep him out four months."

Meeting of the Scots Convention, March 14, 1689.

§ 2. Scotland had had no share in the invitation to William; but when James's troops were called southwards to meet the invaders, disturbances took place which could not be neglected by any one who wished to obtain a firm footing in England. The Lowland Covenanters in particular avenged the dragooning to which they had long been subjected (ch. ix., § 17) by a general "rabbling of the clergy" of the Establishment. By the advice of certain Scottish gentlemen resident in London, William ventured to summon a Scots Convention to Edinburgh to discuss the situation. In Scotland it suited William, as in Ireland it suited James, to appeal to the great mass of the people, which had long been writhing beneath English and Anglican domination (ch. xvi., § 14). On March 14 Convention met; and as William, in a spirit of justice rather than of legality, had set aside the laws excluding Presbyterians from the franchise (cf. ch. xi., § 9, *fin.*), the Whigs were in the majority. Though the Duke of Gordon held the Castle for James until late in June, James's principal agent, Graham of Claverhouse, now Viscount Dundee (ch. ix., § 17), was obliged to retire four days after the meeting of Convention; and it is this retreat that forms the occasion for Scott's ballad, which Kipling has called "the cavalry canter of *Bonnie Dundee*." He had some thought of setting up a rival Stuart Convention at Stirling, but the scheme fell through.

After Dundee's departure, the Whigs—under the protection of three Scots regiments that had been serving with the Dutch army abroad, and under the leadership of the Duke of Hamilton—quickly resolved to offer the Scottish crown to William and Mary. They coupled with the offer a *Claim of Right*, built on the lines of the English *Declaration of Right* (ch. xi., § 11), but more aggressive: it declared straight out that James VII. had "forfaulted" the Scottish crown, and asserted that "Prelacy," being odious to the people—which it was (cf. ch. iii., § 7),—and illegal—which it was not (ch. viii., § 5),—ought to be abolished. On May 11, in the presence of three Scots Commissioners at Whitehall, William and Mary accepted the crown thus conditioned and took the Coronation Oath. That oath included a vow—which they made under protest—"to root out all heretics."

The Claim of Right passed April, accepted May 11.

It had been owing to the religious difficulty rather than to national jealousy that the project of renewing the closer union between the kingdoms of England and Scotland had fallen through (ch. viii., § 5); and even now the more bigoted Covenanters would have nothing to do with a king who was tolerant, and had not taken the Covenant. Under Sir James Montgomery and Fletcher of Saltoun, these joined the malcontent Whigs in forming a semi-republican organisation called "The Club," which lasted till the Lord High Commissioner, Melville, definitely effected the restoration of a Presbyterian system of government in the national Kirk of Scotland (1690). Despite attacks from without and schisms within, that Kirk, guaranteed at the Scottish Union of 1707 (ch. xv., § 6), has remained "established" till this day.

"*The Club*" and the Scots Kirk, 1689—1690.

§ 3. A more serious opposition than that of the Club rose in the Highlands, where many of the tribes rallied round Dundee with the same fervid but intermittent zest with which they had formerly rallied round a greater Graham—the Marquess of Montrose—under the pretext of fighting for Charles I. (ch. v., §§ 7, 9). The most powerful clan was the Campbells, whose head was known to his clansmen as MacCullum More, to the law as the Marquess of Argyll.

Battle of Killiekrankie, July 27, 1689.

They had become widely hated for their masterful ascendency; and the likelihood of an increase in their power, should the House of Stuart fall, induced the Macdonalds, the Macleans, the Camerons, etc., to take up arms for James II. On July 27 Dundee charged and scattered Hugh Mackay's troops as they were toiling up that Pass of Killiekrankie which the Highland Railway now traverses. But the death of Dundee in the moment of victory left the command to General Cannon, a man quite unable to keep a fluctuating body of Highlanders together, and the war was speedily ended by Mackay (§ 11).

§ 4. Meanwhile, in England, William was already beginning to be impeded by party strife. He himself, however deeply concerned, felt little interest in the constitutional questions at issue between Whigs and Tories. He wished to secure unanimity at home, in order that he might the earlier go to meet the dangers which thickened abroad (§ 7), and to reward both parties impartially for the share which they had taken in his elevation. He therefore chose his first advisers from both parties. Danby, who at the coronation (April 11) became Marquess of Caermarthen, was made President of the Council. Halifax was appointed Lord Privy Seal, but being a rhetorician rather than a man of business, he retired from office after a little more than a year, leaving Caermarthen to become William's most influential counsellor for some years (ch. xiii., § 3). Godolphin rapidly rose to the leading place on the Treasury Board; while the offices of the most practical importance, the Secretaryships of State, were given to the moderate Tory Earl of Nottingham and to the Whig Earl of Shrewsbury. With so mixed an administration, there was ample room both for internal jealousy and for assaults from without.

William's first Ministers, 1689.

The King-in-Council was thus organised in due form: it remained to put into shape the King-in-Parliament (cf. ch. xi., § 12). The English Convention, with a solicitude for legal correctness which the sheer illegality of its own existence rendered almost grotesque, had converted the Prince of Orange into the King of England. He now returned the compliment

How Convention became a Parliament, February 1689.

by declaring, in virtue of his kingly power, the Convention to be a properly constituted Parliament as from February 13, the day of his accession. The first Act in the records of this Parliament was devoted to a statutory confirmation of this doubly disguised mutual self-creation. The remainder of its first session of six months was occupied with important legislation in both State and Church.

§ 5. In the secular sphere the main business of the session was the construction of new Oaths of Allegiance and Supremacy, the devisal of an expedient for securing to Parliament the ultimate control of the Army, and the introduction of several financial reforms. *Hearth Money*, a uniform payment of two shillings per hearth, exacted from all whether rich or poor, was abolished after an existence of thirty-six years. But more important was the re-arrangement of the finances. The revenue was fixed till December on the peace-footing of £1,200,000 a year, or one-fifth less than that of James II. (ch. x., § 2). But only the hereditary revenues of the Crown—including the domain rents, fees, and fines, the earnings of the Post Office, the proceeds of wine licences, and the Excise substituted for the feudal incidents (ch. viii., § 6)—were granted for life: the Parliamentary taxes properly so-called—the Customs, etc.—were given for only four years. William was highly indignant that "the gentlemen of England trusted him less than they had trusted King James, the enemy of their religion and their laws"; but the sole result of his protest was to make the conditions more rigorous when settled next year (§ 9). Unlike Charles I. in similar circumstances, he could not even dream of raising money in defiance of Parliament (ch. ii., §§ 2, 4, 6).

Parliament I., Session i.: Feb. 13—Aug. 20, 1689. i. State Work.

By the system of limited grants, thus definitely inaugurated, Parliament contrived a practical security for that clause in the *Declaration of Right* which asserted that "Parliaments ought to be held frequently" (ch. xi., § 11). A similar security was found in the practice now first started which forms a pendant to the "standing army" clause of that Declaration. The prevalent perils proved the need of a standing army (§§ 1, 3, 7): the mutiny of a Scottish regiment at Ipswich,

The First *Mutiny Act*, March 1689.

March 15, 1689, proved the necessity of special powers for enforcing discipline within its ranks beyond those which the *Petition of Right* and its supplementary statutes left in the hands of the Government (ch. ii., § 7). At the same time, if such extraordinary powers were vested absolutely in the Crown, the rest of the national institutions would be at its mercy; and the powers were therefore granted—like the money supplies—for a limited period, which could be extended only if Parliament were both summoned and persuaded to approve the general policy of the Government, so far as to renew the lapsing powers. The first *Mutiny Act* was to hold good for but six months, and was expected to be as temporary an expedient as the contemporary suspension of the *Habeas Corpus Act* (ch. ix., § 15); but except at rare and brief intervals some such Act has been in force ever since:—

i. *Preamble.*—Raising and keeping a standing army at home in time of peace, unless by consent of Parliament, is against the law. Yet, "in view of the special dangers of the time," and "in order that a body of forces should be continued for the safety of the Empire and the preservation of the Balance of Power in Europe,"—

ii. *Powers.*—A specified number of troops is authorised; money is provided for their maintenance; and courts-martial are empowered to inflict capital punishment for desertion or mutiny.

§ 6. The ecclesiastical, like the financial, measures of the session amounted to one-fourth of the total number of Acts passed in its course. They were for the most part based upon purely political considerations. The Protestant Nonconformists had assisted in the defence of the Church against the attempt to remodel it in the interest of the Catholic Nonconformists (ch. x., § 9; ch. xi., § 12): it behoved the new Government therefore to punish the latter and reward the former. The punishment consisted in adding three more statutes to the long roll of the recusancy laws (cf. ch. i., § 11). The reward was less easy to fix. William himself was tolerant—so much so that he was suspected of entertaining but a lukewarm attachment to the national Church: "he could never be of that mind," he protested, "that violence was suited to the advancing of true religion." He therefore took the bold step of reviving

ii. Church Work: *the Comprehension Bill.*

James II.'s attempt to get the *Test Act* entirely repealed (ch. x., § 5); but he could not even obtain the abrogation of that part which was designed to exclude *Protestant* Nonconformists from public office (ch. ix., § 4). Nottingham introduced a *Comprehension Bill* intended to broaden the Church so as to suit some at least of the Puritan dissidents. In accordance with constitutional precedent, however, the Bill was referred to Convocation, and, like the similar attempts of **1604** and **1661** (ch. i., §§ 6, 7; ch. viii., § 7), was lost in the shoals and miseries of theological refinements and acrimonies. Yet it had many influential well-wishers: the Primate Sancroft himself, who had a considerable share in drafting it, "warmly and affectionately exhorts our brethren, the Protestant Dissenters, to join us in daily fervent prayer to the God of Peace for the universal blessed union of all the Reformed Churches."

The Toleration Act, May 24, 1689.

The attempt at organic reunion fell through, then as always, because each party objected to principles which the other deemed to be essentially "scriptural" or "part of our divine constitution." There were two alternatives. One was the frank desertion of the position that there was one true religion in the land, and that it was the business of the State to enforce adherence to the Church which had grown up for the exercise of that religion. But neither the Revolution Government nor the bulk of the nation believed in the "Free Church" principle, and, even if they had, they were, like Cromwell's Government, too weak to allow its unqualified adoption. The other alternative was the contrival of some rule-of-thumb makeshift which should not bother itself about eternal principles, but simply recognise existing facts. Parliament neither swept away those civil disabilities or penal statutes which, in the interests of Protestant patriotism, the Protestant Nonconformists had themselves assisted to create, nor took upon itself to modify the doctrinal, ceremonial, or governmental standards of the Church: it simply accorded a restricted liberty of worship to those varieties of Nonconformists to whom the distinctive name of *Dissenters* is by some authorities thereafter confined. The *Toleration Act*—which, like the abortive *Comprehension Bill*, was

largely the work of Nottingham—received the royal assent on May 24, 1689 (1 Will. & Mary, c. 8):—

i. FREEDOM OF WORSHIP allowed subject to conditions:—
(1) *Buildings:* that it be exercised in registered meeting-houses, with doors open;
(2) *Congregations:* that the privileged worshippers take the Oaths of Allegiance and Supremacy and subscribe the Declaration of 1678 against Transubstantiation [cf. ch. ix., § 12];
(3) *Ministers:* that the ministers subscribe all the *Thirty-Nine Articles* except three and a-half Articles dealing more particularly with the Authority of the Church.*
ii. SPECIAL EXCEPTIONS: (1) Quakers may in certain cases substitute an affirmation for an oath; (2) the above toleration in no case applies to Roman Catholics or disbelievers in the Trinity [who call themselves *Unitarians*, and are by others called *Socinians*].

Nonconformity and the Nonjurors, 1689.

The *Toleration Act* was what is called Erastian: it paid just as little deference to the idea of "liberty of conscience" on the one hand as to outcries against schism on the other, and was based on sheer political expediency. Like the *Declarations of Indulgence* issued by the last two kings (ch. ix., § 3; ch. x., §§ 9, 10), it simply winked at the infraction of the ecclesiastical law of the realm; but as this exemption from the penal statutes proceeded not from the Royal Supremacy, but from Parliament, it was accounted constitutional and legal, and despite numerous direct and indirect attacks (cf. ch. xiii., § 11; ch. xv., § 10) it held good, and has been gradually broadened and deepened into a general policy of religious toleration† (vol. IV., ch. xviii.). The chief opponents of the measure were the Tories, who regarded conventicles as "eternal nurseries of sedition and rebellion" (cf. Intro., § 11). Curiously enough a clerical section of this party coupled its protest against the *Toleration Act* with a course of policy which, as there did not happen to be a second Stuart restoration, proved to lead to a position of permanent non-

* These were Arts. XXXIV. (*Of the Traditions of the Church*), XXXV. (*Of Homilies*), XXXVI. (*Of Consecration of Bishops and Ministers*), and the opening clause of Art. XX.: "The Church hath power to decree Rites or Ceremonies and authority in Controversies of Faith." Moreover Anabaptists were excused the final clause of Art. XXVII. affirming the principle of Infant Baptism.

† The chief dates are 1727, when Parliament initiated the practice of passing an annual *Indemnity Act*, exempting from the authorised penalty all those who had taken office without the prescribed Sacrament; 1828, when Lord John Russell secured the repeal of the *Test Act* and of the *Corporation Act*; and 1829, when Sir Robert Peel carried the *Roman Catholic Relief Bill*.

conformity. Many clergymen proved the reality of their belief in the doctrine of Non-resistance by declining to take the revised Oaths of Allegiance and Supremacy to the unfilial "usurpers." They included Sancroft and the rest of "the seven bishops" except Trelawney (ch. x., § 11), as well as Sherlock, Jeremy Collier, and over three hundred other clergymen. These *Nonjurors*, as they were therefore styled, were after a year's grace deprived of their livings, and insisted on regarding themselves as the true Church of England down to "the death of the last bishop" in 1805.

The Beginning of the War of the English Succession, May 1689.

§ 7. The three weeks before Parliament rose on August 20 were rife with news of war. By the death of Dundee on July 27 the danger from the Scottish Highlands was cleared away (§ 3): by the relief of Londonderry three days later the Anglo-Protestant interest in Ireland was saved from its peril. But the news from the Continent was less reassuring. The rapidity with which the Prince of Orange had carried his invasion of England to a successful issue had compelled Louis to withdraw his troops from the further side of the Rhine (ch. xi., §§ 5, 7), and even to neutralise the Palatinate by its second devastation in the winter of 1688-9. When Louis went on to take the dethroned James under his protection and to assist him in Ireland (ch. xvi., § 16), William was able to add England to the *League of Augsburg* (ch. xi., § 1), and to persuade Parliament to approve this step on the grounds stated in the preamble to the *Mutiny Act* (§ 5). In May England and France formally declared war on one another, and on August 5 English troops under Churchill, now Earl of Marlborough, participated in a defeat at Walcourt, which was the first of a long roll of land-reverses (§§ 11, 13). During the course of the year 1689 most of the signatories of the Augsburg League entered into hostilities. The common object was to restrain the French within the limits set by the *Treaty of the Pyrenees*, 1659 (Table, p. 182), but each Power had also its own ends to gain. The main purpose of England was to maintain the Protestant Revolution: hence, from the English point of view, "the Nine Years' War of the League of Augsburg" is known as "the War of the English Succession" (Table, p. 253).

§ 8. The first work of Parliament on reassembling, in October 1689, was to throw the *Declaration of Right* into statute form as the *Bill of Rights*, which received the royal assent on October 25. The Lords' amendment giving a place to Sophia, Duchess of Brunswick and Hannover (Tree, p. 252), was for the present rejected (ctr. ch. xiii., § 13). Two important modifications, however, were introduced into the *Bill of Rights*:—

Parl. I., Sess. ii.: October 19, 1689—January 27, 1690. *Bill of Rights.*

i. *The Dispensing Power* is *entirely* abolished—not merely its recent abuses [cf. ch. xi., § 11, *sub.* iii. (2)].

ii. *The Absolute Exclusion of Roman Catholics from the English Throne.* In accordance with the retrospective Resolution of Convention in January 1689 [p. 246], it is enacted—

(1) That if an English sovereign "shall be reconciled to, or hold communion with, the See or Church of Rome, or shall profess the Popish religion, or shall marry a Papist, . . . the people of these realms shall be absolved of their allegiance," and the crown shall descend to the next Protestant heir;

(2) That every English King or Queen shall, in full Parliament or at the Coronation, make a public Declaration against Transubstantiation, the Adoration of the Virgin, and the Sacrifice of the Mass—as prescribed in the *Parliamentary Test Act* of 1678 [ch. ix., § 12].

Thanks to party rancour this *Bill of Rights* completed the useful work of the session. Before the prorogation in August the Whigs had reversed the attainders of their martyrs, such as Russell and Sidney, the victims of the Rye House Plot (ch. ix., § 22), and Alice Lisle, the old lady who had been beheaded at Winchester for harbouring a fugitive from Sedgemoor (ch. x., § 4). They had even released Titus Oates from his well-earned durance, and granted him a pension (ch. x., § 2). During their second session, influenced perhaps by the outrageous violence of James's Dublin Parliament (ch. xvi., § 14), they seemed capable of thinking of nothing but vengeance for their wrongs since 1681. They impeached several of James's Romanist friends. They endeavoured to pay back their opponents in their own coin by manipulating the municipalities in the Whig interest: at any rate they introduced into the *Corporation Bill*, whereby the charters forfeited under the last two kings were to be revived, a clause incapacitating all those who had taken any part in the recent surrender of charters from holding

Vindictiveness of the Whigs, 1689—1690.

municipal office for the next seven years (ch. ix., § 24; ch. x., § 10). Finally, they inserted so many exceptions into the abortive *Bill of General Indemnity* that William for a moment threatened to retire to Holland, and on January 27, 1690, dissolved his first Parliament.

Ministerial Changes, 1690.

§ 9. The new Parliament was distinctly Tory in tone; and to ensure its friendly co-operation with his plans, William felt himself constrained to have recourse to Danby's old expedient, bribery (ch. ix., § 7), the chief instrument being the Speaker, Sir John Trevor—"half a pettifogger and half a gambler." William declared apologetically to Burnet that he "hated bribery, but he had to do with a set of fellows who must be managed in this vile way or not at all." About the same time William made some ministerial changes, which, like the Parliamentary elections, were mostly in favour of the Tories. Caermarthen became more markedly chief adviser (§ 4), but was not given the white staff that he coveted. After the Revolution there was a growing tendency to cut down the powers of the chief offices in the State as those of the Crown had been cut down by the *Bill of Rights*. Instead of having a Lord High Treasurer and a Lord High Admiral, it now became usual to put their offices *in commission*: *i.e.* there were Boards of the Treasury and of the Admiralty, headed by "First Lords"—a title implying less extensive powers and less imposing dignity than those of the old full-blown officials. Thus Sir John Lowther now became First Lord of the Treasury and Caermarthen's right hand in the Commons. Upon his appointment Godolphin followed Halifax into retirement, and a few months later the Whig Shrewsbury retired from the uncongenial Tory surroundings of the Secretariate (§ 4).

Parl. II., Sess. i.: March 20—May 20, 1690. Settlement of the Revenue.

William's second Parliament early took in hand the revenue, which was permanently settled on the lines of the previous temporary settlement (§ 5). The total sum granted for life was about £800,000, made up of the hereditary revenues and some £300,000 of ordinary Excise: the Customs, amounting to about £600,000, were granted for only four years. Of the total sum about half (£700,000) was set apart for the King's personal and domestic expenses, and for

the salaries of ambassadors, judges, and all non-fighting officials. The amount thus appropriated was expected to suffice for the ordinary peace requirements of the Court and the civil government, and hence came to be known as "the Civil List." Over the rest of the expenditure the Commons exercised full control by the practices of annual votes, Appropriation of Supplies, and Audit of Accounts.

William's *Act of Grace*, May 20, 1690.

During this session (cf. § 8) the Whigs made a further attempt to sow dissension. They introduced an *Abjuration Bill*, which required all place-holders to abjure King James, but the Bill was, with William's approval, thrown out in both Houses for the present (ctr. ch. xiii., § 16). Soon afterwards the struggle for vengeance was ended by an *Act of Grace* from the King —a form of Bill which requires but one reading in each House, and is subject to no emendations. This granted a full amnesty to all political offenders, save the surviving regicides (ch. viii., § 6) and thirty others. As the exceptions were merely nominal, this *Act of Grace* may fairly be accounted what Macaulay claims that it is—"one of William's noblest and purest titles to renown."

Battle of Beachy Head June 30, 1690.

§ 10. On May 20 Parliament was prorogued, and early in June William crossed from Chester to Carrickfergus, in order to wrestle with James for Ireland (ch. xvi., § 16). He left behind him the Queen, assisted by a Council of nine, to manage affairs at home. They needed all the "diligence and unity" which William had implored of them. A combined Jacobite insurrection and French invasion was nearly ripe for execution in his absence. The former—in which Clarendon and Dartmouth were implicated—was a fiasco, like its many successors (cf. § 12), for the Government received full information about it from one of the conspirators named Fuller. In any case its dependence upon French aid would probably have been fatal to any general Jacobite outbreak. The invasion itself stood a fair chance of success. On June 30 Lord Torrington—the Arthur Herbert who is reputed to have conveyed the invitation to the Prince of Orange—gave battle to the French fleet under Tourville, and sustained so severe a defeat that for two years the

French were absolute masters of the Channel (§ 13). Torrington, despite the odds against him—80 to 60 sail—had left Evertsen's Dutch squadron to bear the brunt of the fighting, and was therefore cashiered.

Possibilities of French Invasion, 1690—1692.

About the same time Luxembourg gained a victory over the Allies at Fleurus, which gave Louis the undisputed command of Flanders. It seemed highly probable that under the shelter of his fleet Louis would throw his troops over into Kent, or, still worse, into Ireland (§ 11); and for some days the wildest panic prevailed. But the naval defeat rallied the moneyed classes round the Government, and Tourville made no use of his victory except to burn Teignmouth and scare the south coast in general. The news of William's victory on the Boyne, which took place the day after the naval defeat (ch. xvi., § 16), was the first thing to dissipate the gloom.

William's Campaigns in Flanders, 1691—1695.

§ 11. The year **1691** witnessed a further lightening of the cloud that overhung the Revolution. William was at length able in person to take command of the forces of the Allies in the Spanish Netherlands. For several years he was almost uniformly unsuccessful in pitched battles, but as uniformly he brought off his men so well after a defeat that in a fortnight another defeat was required. Luxembourg, his chief opponent, won the name of "*Le Tapissier de Notre-Dame*," from the number of standards that he sent home; but his victories were barren of anything else but death. From their carnage sprang the remark that they were more fittingly celebrated by a *De profundis* than by a *Te Deum*.

Pacification of Scotland and Ireland, 1691.

In his first campaign against Luxembourg, William was compelled to look on while the strong fortress of Mons fell before the engineering skill of Vauban. But this reverse was more than balanced by the bringing to a close the French-fed war in Ireland. The troops that Louis this year sent thither were routed at Aughrim; and Sarsfield and his Irishmen had been compelled to surrender Limerick (October 3) before the large French fleet and army sent to reinforce them had arrived (ch. xvi., § 17). The year **1691** was marked not only by this third English subjugation of Ireland but also

by the pacification of Scotland. Open resistance had, indeed, ceased soon after Killiekrankie (§ 3); but there remained the problem of keeping the Highlands quiet. Mackay recommended the old Roman plan of building a line of forts connected by military roads. But though Fort William was constructed by the shore of Loch Linnhe, Mackay's plan was not adopted in its entirety until after the Jacobite rising of 1715. The country was extremely poor, and a cheaper plan was devised. It was thought that if the clansmen could be released from their large monetary obligations to the Campbells, they would be more peacefully disposed. Accordingly it was arranged that £15,000 should be distributed by Government to enable them to pay off their debts. As the management of this sum was entrusted to Breadalbane, himself a Campbell, the chiefs came in slowly; and at last December 31, 1691, was proclaimed as the date after which no money would be paid or submission received.

The Massacre of Glencoe, February 13, 1692.

Mac Jan, chief of the Macdonalds of Glencoe, the clan most hostile to the Campbells (§ 3), took so much pride in being the last to submit, that it was six days after the appointed limit before he took his oath. He thought his allegiance was accepted, and so received as friends a file of English soldiers who were soon after quartered on him. After several days' hospitality, however, these arose at dead of night, set fire to the houses, and slaughtered thirty-eight of the clan, while those who escaped perished of cold in the mountains. This treacherous plan had been urged by the Campbells on William's Scots advisers, the Dalrymples—the Viscount and the Master of Stair—who thought it "proper, for the vindication of justice, to extirpate that set of thieves." William has been greatly blamed for signing this order; but he was at any rate ignorant of the manner in which it was intended to carry out the "extirpation."

Jacobite Plots, 1690—1691.

§ 12. The stoppage of military operations within the three home kingdoms by no means implied that William was secure from opposition. The French were in possession of the Channel (§§ 10, 13), and he had still to face the chronic danger arising from internal

Jacobite intrigues. These took two principal forms: the plots of William's avowed enemies and the treason of his professed friends. The plots were innumerable. At first the plotters were wont to entertain the comparatively tame design of seizing the kingdom during William's absence: later they aspired to tyrannicide. One plot was to have been carried out during William's absence in Ireland (§ 10). A more elaborate one was to be arranged for execution during William's absence on the Continent in 1691 (§ 11). The capture of Viscount Preston, some time Secretary of State to James, together with all his letters from leading men, such as Sancroft, put an end to the scheme (January 1691).

Preston was convicted, but pardoned; and this characteristic leniency on William's part doubtless induced many of his ministers to ask pardon from James and put themselves on such a footing with him that in case of a restoration they would be safe. In thus heightening the hopes of the banished King they were of course weakening the Revolution Government, and acting in a way which was at once treacherous and treasonable. Their excuse was that the statute of 1495, which declared that obedience to a *de facto* king could not be accounted treason to a "rightful" king (vol. II., ch. i., § 14), did not shield them from punishment for acts done against James before the formal accession of William and Mary. But the bulk of these wary time-servers were not prepared to display their loyalty to James in anything more solid than words. Such were Caermarthen, who had put down Preston's plot, Godolphin, Shrewsbury, and Torrington's successor, Russell (§§ 10, 13).

Treasonable Correspondence of William's Ministers with James.

Though William knew that many of his supporters were hedging, he declined to take any notice of it except in the case of one man. Marlborough had to buy forgiveness for his desertion of James in November 1688 (ch. xi., § 7), at an exceptionally high price. He offered to atone for it by bringing over any troops he might command to the enemy; or, better still—if William could only be induced through the jealousy of Parliament to send away his Dutch troops (cf. ch. xiii., § 10)—by raising

Dismissal of Marlborough, January 1692.

the English home forces for James. He was found out, and early in 1692 dismissed from all his offices. A serious consequence of this act was the estrangement of the Queen from her sister Anne, who persisted in maintaining friendly relations with Marlborough and his wife (ch. xv., § 1).

The Eve of the French Jacobite Invasion, Spring, 1692.

§ 13. Four months after the disgrace of Marlborough, all danger of the long-threatened invasion vanished, just when it was most imminent. The English Jacobites—consisting mainly of Roman Catholics and of those who on religious or political grounds were in principle Legitimists—were sanguine of success. Louvois, the indefatigable war-minister of Louis, who with his habitual discouragement of the French navy had been the chief opponent of the scheme, had died in the previous year; and instead of a repetition of Tourville's "deep-sea cruise" of 1691—whereby he had kept the Anglo-Dutch fleet manoeuvring off the Scillies while French privateers picked up merchantmen unimpeded—the plan of direct invasion was to be essayed. The Toulon fleet under D'Estrées was to be brought round and joined to the Brest fleet under Tourville. Russell, despite his warning that he would not suffer the French to triumph over the English in the English seas, was expected to contribute as much to the success of the invasion as Torrington had done by his inaction two years before (§ 10). And, of course, thousands of active Jacobites would rise at the landing of James, as the Whigs had risen in 1688 (ch. xi., § 7), and myriads of well-wishers would follow in their train. This last danger James went out of his way to remove by the issue of a Declaration explicitly exempting from pardon all who had shared in proceedings against his adherents. The Queen and her Council reprinted and circulated the Declaration, with notes: they felt sure that none but the enthusiasts would join so truculent an invader.

Battle of La Hogue, May 19, 1692.

But the invasion itself was frustrated. A letter of Mary stirred up the better feelings of Russell and his men; so that when Tourville, with forty-four ships, confidently offered fight off La Hogue, the English portion of the joint fleet of ninety sail, to the surprise of the French, accepted the challenge.

As the wind prevented the whole of the Anglo-Dutch fleet coming into action, Tourville was able, after a long contest, to draw off his entire fleet without loss. But Russell's ships pursued them hot-foot, scattered them, and destroyed them in detail.* Rooke cut out and burned twelve of the finest ships in the French navy under the very eyes of James. The naval supremacy of England, often challenged but never broken, is commonly dated from the battle of La Hogue; and, in point of fact, two years later the English fleet wintered in the Mediterranean for the first time. It was not, however, the completeness of the victory so much as growing financial exhaustion that caused France to drop her naval pretensions for a season and abandon the task of lopping off English merchantmen inchmeal to privateers like Duguay-Trouin and Jean Bart.

Fighting by Land and Sea, 1692-4.

Six weeks after the naval battle, William was compelled to leave Namur to surrender, and on July 24 he was defeated by Luxembourg, with heavy English losses, at Steenkirk. The following year was still more unfortunate for England. True, William's bloody defeat at Landen, or Neerwinden (July 29, 1693), was not allowed greatly to profit the victorious Luxembourg. But at sea English commerce received a fearful blow by Tourville's annihilation of the outgoing Smyrna fleet off Lagos, near Cape S. Vincent (June 17). The efforts of Rooke and two Dutch vessels of the convoy saved but a small number out of four hundred merchantmen.

Montague's Money Measures, 1693-4.

§ 14. Such a loss the country was at the time peculiarly unable to afford. The difficulties which William was experiencing from political strife were now intensified by the pressure of poverty. There was, however, plenty of money in the country, as was shown by the feverish speculation of the day which gave currency to the new term *stockjobber*. All that was required was to hit upon means of drawing more of this into the service of the State without offending the nation (cf. ch. iii., §§ 3, 4). Adequate methods were devised, or adopted from amongst the multitudinous schemes of other projectors, by two

* Browning's *Hervé Riel* purports to describe an episode in this flight, when the French were scudding away "like a crowd of frightened porpoises a shoal of sharks pursue."

financiers in William's administration—Godolphin, who, after a brief interval, had again become First Lord of the Treasury (§ 9), and Charles Montague, a young Whig in the Treasury, who in 1694 became Chancellor of the Exchequer and later succeeded Godolphin (ch. xiii., §§ 1, 6, 10).

These ministers were able both to augment the revenue and to strengthen the credit of the Government.

i. Augmentation of the State Revenue: Land Tax, etc.

The chief expedient to increase the revenue was the revision of the monthly *Assessment* which ever since the days of the Long Parliament had taken the place of the mediaeval *Subsidy* (ch. i., §§ 13, 26, notes). Designed as a general *Property Tax*, it had become what it is commonly called—*the Land Tax*—and, like the *Subsidy*, had tended to become stereotyped. In 1692, therefore, land was re-valued, and at four shillings in the pound produced £2,000,000—four times its previous yield.

Other taxative devices of the time were the *Poll Tax*, which was first levied in 1691, and the Stamp Duties—charges ranging from 1*d.* up to £2 upon wills, marriage-certificates, and other legal documents—first systematically imposed in 1694. The former proved both as unprofitable and as unpopular as the *Hearth Money* abolished in 1689 (§ 5), and was dropped at the close of the war. The latter have ever since been a growing source of revenue.

§ 15. The war-charges were so heavy that they could not be met out of current taxation without causing dangerous discontent. The burden of them was, therefore, thrown upon posterity. Instead of raising temporary loans at a high rate of interest, Montague started the plan of long-distance loans at a low rate. In 1693, for instance, he borrowed £1,000,000 on a complicated system of life-annuities, and so instituted what is usually called the *National Debt*—in contradistinction to the insecure and fluctuating royal debts of former days. In the following year he floated a Lottery War-Loan, and obtained Parliament's sanction to the scheme of Robert Paterson, a Scots banker, for founding a national bank. In accordance with this Act the subscribers to a Government loan of £1,200,000 at 8 per cent. were on July 27, 1694, incorporated as "the Governor and Company of the Bank

ii. Strengthening of the State Credit: the National Debt, etc.

of England." The Bank expected to profit by the use of its chartered privileges, and by offering better security than the goldsmiths who had hitherto acted as private bankers (ch. ix., § 3). The Government would not only get a supply of ready money, but firmly attach to itself many capitalists, inasmuch as the first work of the Stuarts would have been the repudiation of the loan.

That William was thus able to rivet to himself with the chains of mutual advantage the new "moneyed interest" —as it was called, in opposition to the older "landed interest" which was now struggling to maintain its supremacy (ch. xiii., § 6)—was a fact whose significance was at once seen across the Channel. The success of the Land-Tax extorted from Louis a remark which was much truer than he imagined: "My little cousin of Orange seems to be firm in the saddle."

The Third Triennial Act and Death of Queen Mary, Dec. 22-28, 1694.

§ 16. The second Parliament of William and Mary came to an end in this same year. Since its first session (§ 9) it had passed many important economic and financial measures, but had done little of great constitutional moment. In its seventh and last session, however, it carried a bill which in the previous session the Commons had shelved, and in the previous year William had vetoed after its passage through both Houses. It was designed to corroborate the clause in the *Bill of Rights* declaring that "Parliaments ought to be held frequently" (ch. xi., § 11). The novel practices of granting supplies and military powers for a limited period (§ 5) were so effective that the proposal to make annual sessions directly necessary by law was dropped, and a three years' limit was fixed, not only to the intermission, but also to the duration of Parliaments (ch. iv., § 5; ch. viii., § 4). That limit held good until the *Septennial Act* of 1716. Though William disliked such limitation of the Prerogative as much as any Stuart, he now gave his assent to this *Third Triennial Act.*

Six days later, on December 28, 1694, William's wife succumbed to a sudden attack of small-pox. The death of our second Mary made almost as much difference—and of a similar kind—in English politics as the marriage of our first Mary in 1554 (vol. II., ch. vi., § 5).

CHAPTER XIII.

THE REIGN OF WILLIAM III.

December 28, 1694—March 8, 1702.

§ 1. Some Political Results of the Death of Queen Mary : Elimination of Tories from the Government and Establishment of an all-Whig Ministry, 1697-9.—§ 2. Some Differences between Sunderland's Expedient of a Party Ministry and (*a*) the Cabal of 1667—1673, and (*b*) the Modern Cabinet.—§ 3. Final Lapse of *the Licensing Act*, May 1695 : "the Freedom of the Press."—§ 4. William takes Namur, June, and assembles his Third Parliament, November 1695 : *the Regulation of Treason-Trials Act*, January 1696.—§ 5. The Assassination Plot and the Loyal Association, February 1696 ; the Attainder and Execution of Sir John Fenwick, November 1696—January 1697.—§ 6. Money Troubles and their Remedy, 1696 : Montague's Restoration of the Currency, May—September ; Harley's Land Bank, April—August ; Montague's *Three Resolutions*, October 20, 1696.—§ 7. *The Peace of Ryswick*, September—October 1697.—§ 8. Illustrations of the World-wide Interests of England, 1698.—§ 9. The Third Session of the Third Parliament, December 3, 1697—July 5, 1698 : Financial Measures and Reduction of the Army.—§ 10. Opposition in the First Session of the Fourth Parliament, December 9, 1698—May 4, 1699 : Further Reduction of the Army December 1698 ; Attacks on Montague and Orford, April 1699.—§ 11. The Second Session, November 16, 1699—April 11, 1700 ; *Anti-Romanist Act*, February 1700 ; *Resumption Bill*, April 1700.—§ 12. Death of William, Duke of Gloucester, July 29, and of Charles II. of Spain, November 1 [N.S.], 1700.—§ 13. First Session of the Fifth Parliament, February 8—June 24, 1701 ; *The Act of Settlement or Succession*, March 1701 : (*a*) Causes and Contents.—§ 14 (*b*) Constitutional Comments.—§ 15. Impeachment of Whig Ministers, April ; *the Kentish Petition* and *the Legion Memorial*, May 1701.—§ 16. William adds England to *the Grand Alliance*, August 28 ; James II. dies at S. Germain's, September 6, 1701 ; Whig Reaction in the Sixth Parliament ; Attainder of the Pretender and *the Abjuration Bill* ; Death of William III., March 8, 1702.

Ministerial Results of the Death of Queen Mary.

§ 1. The death of William's wife and consort emphasised the facts that he was a foreigner and somewhat remote from the natural heirship of the British crowns. The hopes both of Louis and of James's home supporters rose high (§ 5); and as the Tories had

tolerated his accession chiefly because he was Mary's husband (ch. xi., § 10), and sneered at "the little Dutchman," William felt compelled to rely more and more on the Whigs. Accordingly his Government was gradually winnowed of its Tory members, and came to consist entirely of Whigs. Nottingham had resigned his Secretaryship at the end of 1693 (ch. xii., § 4); Caermarthen completely lost his influence in 1695 (§ 3), though it was not till 1699 that he withdrew altogether from office (§ 10); and late in 1696 Godolphin, in order to escape Parliamentary attacks upon him, yielded his berth at the Treasury to Montague (§ 5; cf. ch. xii., § 14).

The All-Whig Ministry, 1697—1699.

The leaders of the all-Whig Ministry which thus came into being for some three years (1697—1699) were Somers, Montague, Russell, and Wharton —a quartett known opprobriously at the time as "the Junto" (cf. ch. viii., § 10). Somers, a jurist, orator, and patron of arts and letters, became Lord Keeper in 1693; Montague was successively Chancellor of the Exchequer and First Lord of the Treasury, and in each capacity did much to strengthen the financial position of the Government (§§ 6, 10, 12; also ch. xii., §§ 14, 15); Russell, the victor of La Hogue (ch. xii., § 13), became First Lord of the Admiralty in 1695; and Wharton (ch. x., § 11), the Comptroller of the Royal Household, acted as the chief Parliamentary wire-puller of his party. Now that it had become usual for the House of Commons to interfere, and that too in a way which could be neither ignored nor restrained, in all matters of State (ctr. ch. i., § 24), it had become necessary to organise its members on party lines. Otherwise, as Lowther had observed, "no one could tell one day what a House of Commons will do the next."

Sunderland's Advice to William.

§ 2. It was mainly by the advice of the Earl of Sunderland that William took up this new ministerial policy (ctr. ch. xii., § 4). He pointed out that there were three good reasons why William should give his confidence solely to the Whig leaders, and not to the best available men: they alone regarded his title as really valid; they alone were unhesitating supporters of a war which was in their eyes waged for the maintenance

of their own handiwork, the Protestant Revolution (ch. xii., § 7); and, finally, as the Whigs formed the majority in the existing Parliament, they would not be likely to throw obstacles in the way of their own chiefs.

A Stride towards Party Government by a Cabinet: i. Political Unanimity.

The first homogeneous ministry thus drifted into being simply as a political expedient adapted to the circumstances of the moment. It was successful enough to bear repetition twice in Anne's reign (ch. xv., §§ 7, 9), to force itself into being a recognised practice, and to have engrafted upon it the various innovations which go to make the nineteenth-century Cabinet system (vol. iv., ch. ii.). "The Junto" of 1695—1699 was viewed as suspiciously as "the Cabal" of 1667—1673 (ch. viii., § 10), but was a great advance upon it. Though each member was chosen and consulted individually by the King, it was no chance collection of royal favourites, but a body which had a tolerably distinct set of political principles and interests in common, which had some measure of concert in action, and which had a backing of the same party as itself in the minor ministerial offices as well as in the House of Commons. But these qualities were not yet supplemented by the possession of that collective responsibility which constitutes the main mark of distinction between a group of ministers and a ministry: that arose *pari passu* with the rise of the Prime Minister during the early Hannoverian reigns, and developed under the influence of the notion that all the members of a ministry must stand or fall together (vol. iv., chs. ii., iv.). The Junto and its followers went out of office, as the Cabal and Danby had gone (ch. ix., §§ 6, 13), just as the persistence of Parliamentary opposition to one or another of them made his ministerial position too discomfortable to be worth keeping.

ii. Absence of Collective Responsibility to Parliament.

Partly in order to guard against even the possibility of such attacks, partly in order to avoid being hampered in its administrative work by snap divisions in favour of some unwelcome policy, the Ministry sought to acquire and maintain a control over the House of Commons by party organisation and by the use of the royal patronage (ch. ix., § 7). The restricted

nature of the franchise, both in the counties and in the boroughs, made this comparatively easy to do throughout the eighteenth century; and consequently the Ministry, though unable to retain its position long against the firm-set will either of the King or of Parliament, was ordinarily able to keep both its nominal and its real sources of power nicely in band. The oligarchical rule thus conditioned was weakened by the jealous removal of the patronage powers of the Crown, and finally swept away by the *First Reform Act*, 1832. That Act, together with the contemporary development of means to spread news quickly and cheaply all over the land, brought the House of Commons into closer and more constant touch with the larger and livelier constituencies that had just been created; and it soon became necessary for a ministry which had suffered from an adverse vote in the Commons on a matter which it held to be important either to resign or else, by a dissolution of Parliament, to "appeal to the country." It was thus not until nearly a hundred and fifty years after William III.'s Whig administration that the essential parts of the Cabinet system which we connect with it, and which we are in the habit of assuming to be final, were established and accepted as "constitutional." Only very gradualiy, in fact, did it become the proper thing that the Ministers of the Crown should no longer be severally responsible to the King alone (ctr. ch. ii., § 4), but rather be jointly responsible to Parliament—*i.e.* practically to the House of Commons. This method of securing harmony between the Administrative and the Legislature was an unpremeditated growth, not—like other methods put forward during the seventeenth century (ch. vii., § 1; ch. ix., § 14)—a deliberate manufacture: the various uses bound up therewith have never been prescribed or ratified by law, but remain mere "conventions of the Constitution." *

* The evolution of the *Cabinet*, or inner circle of a Party Ministry, is briefly described in Macaulay's *History of England*, ch. xx. (with lively portraits of the members of the Junto), and in Taswell-Langmead's *English Constitutional History*, ch. xvi. (with several valuable extracts from various authorities); more fully in Torrens' *History of Cabinets*. Good general accounts in Anson's *Law and Custom of the Constitution*, Part II., chs. i.-iii.; Dicey's *Law of the Constitution*, chs. xi., xiv., xv.; and Medley's *Manual of English Constitutional History*, ch. ii., esp. § 16. There is a special danger here of reading later principles and practices into times when, so far from being accepted, they were only half conceived and wholly abominated.

Whig Successes in the Parliament ending May 3, 1695.

§ 3. The Whigs scored several party successes besides the passing of the *Triennial Act* during the session which was in progress when Queen Mary died (ch. xii., § 16). In the spring of 1695 they were able to expel Trevor from the House for having accepted 1,000 guineas from the City of London in return for pushing a local Bill, and to plant a Whig in the Speakership thus left vacant. They were also able to blast the political reputation of the Tory Caermarthen, who had only a year before been raised to the Dukedom of Leeds. The old East India Company was found to have distributed some £80,000 in bribes among those who had assisted in obtaining the renewal of its charter in 1693 (ch. xvii., § 8), and £5,000 of this amount was traced to Robarts, a dependant on the Duke of Leeds. Owing to the timely disappearance of Robarts, this second impeachment, like the first (ch. ix., §§ 12, 13), proved abortive; but Leeds, although he figured as Lord President till 1699, was a person of no importance (§ 10).

Final Lapse of the *Licensing Act*, May 7, 1695.

More far-reaching in its effects than any of these transactions was an abstention which marked the same session. The *Licensing Act*, which upon James II.'s accession had been revived for seven years and afterwards still further extended (ch. ix., § 20), was omitted from the list of temporary Acts to be renewed, and in consequence duly expired on May 7, 1695. The censorship of the printing-press thus lapsed, and lapsed finally; and any one has been thereafter free to print and publish what he pleases in England without being authorised beforehand by any official in Church or State, and without let or hindrance—except liability to punishment should he be found guilty, by a jury of his peers, of diffusing what seems to them libellous, blasphemous, or seditious. The Whigs, for all their principles, would gladly have continued a measure which was likely to protect from indiscriminate criticism the Government which they supported: they allowed it to drop solely because it was in many respects cumbrous and antiquated. Yet it is from 1695 that the Liberty of the Press—which has been called "the guardian and guide of all our other liberties"—is commonly dated. Unconsciously and unintentionally the State had in effect conceded

the principle of freedom of opinion—or rather had extended to the secular sphere the freedom which by the *Toleration Act* of 1689 it had sanctioned in the sphere of religion (ch. xii., § 6). In both matters, however, it was only a case of the thin end of the wedge (vol. IV., ch. viii., *fin.*).

William's Capture of Namur, August 1695.

§ 4. Though by Mary's death William was deprived of the one thing about him which endeared him to his English subjects, the year following his bereavement marked the turning of the tide in his favour. In June 1694, an attack on the strongly situated and fortified arsenal of Brest had been beaten off with the loss of many lives, including that of General Tollemache. The ensuing campaign, on the other hand, was the first during this war in which William was not unsuccessful (ch. xii., §§ 7, 11, 13). His old opponent, Luxembourg, had died a few days after Queen Mary; and the new French general, Villeroy, was unable to prevent the recapture of Namur, although, during the three years that it had been in French hands, it had been scientifically fortified by Vauban (ch. xii., § 13), and was now defended by 16,000 men, under the able command of Boufflers.

Parl. III., Sess. i.: Nov. 22, 1695— April 27, 1696. *Treason-Trials Act.*

Fresh from this his greatest military triumph, William returned to England in October to find himself abnormally popular. He resolved to take advantage of the nation's humour to secure a Parliament well disposed to him. Accordingly he dissolved his second Parliament a year before it would have come to an end by a provision of the *Triennial Act* (ch. xii., § 16); and after deepening the good feeling by a royal progress, he was rewarded by a new Parliament quite in harmony with his views. That is to say, the first Triennial Parliament during its first session was eager to help the King in his frantic efforts to scrape together money for the war (§ 6), and incidentally in several other respects (§ 5); but it took good care to get something for itself in return. It is true that William vetoed the Bill which was passed through both Houses, and was designed to make Parliament still more one-sidedly representative of the landed interest (ch. xv., § 9). But, on the other hand, he gave his assent to a Bill which had hung fire in several

sessions owing to the Peers' demand for the insertion of special privileges in their behalf, and which, being an endeavour to diminish the guarantees of his personal safety, was not greatly to his liking. *The Act for the Regulation of Trials in Cases of High Treason*, which became law in January 1696, was directed against several bits of procedure that had cost Russell and Sidney their lives thirteen years before (ch. ix., § 22 :—

i. *Fore-knowledge.*—Any person accused of treason must be supplied with a copy of the indictment at least *five* days, and the panel of the jury *two* days, before the trial.

ii. *Witnesses.*—Such a person may (1) produce witnesses in his favour, and compel their presence ; (2) have the Government witnesses examined in court on oath by counsel ; while (3) those witnesses must be at least two in number, and testify either together to one overt act of treason, or else one to one overt act and another to another overt act of the same kind of treason.

iii. *Time-limits.*—Trials for treason, except in cases of attempted assassination of the King, must take place within three years of the indictment. [Cf. ch. ix., § 15, *sub.* iv.]

iv. *Peers.*—If a peer be arraigned for treason at a time when Parliament is not sitting, all the peers entitled to a summons to Parliament must be summoned to the Court of the High Steward before which his trial takes place.

§ 5. Before this Act came into force on New Year's Day (March 25), 1696, some notable treasons were dragged to the light of day. The death of Mary, which had reconciled Anne and the Marlboroughs to the King (ch. xii. § 12), had made William's removal a much surer means to Jacobite restoration. Two of the plots contrived in consequence came to a head in the spring of 1696. One was managed by the Duke of Berwick (ch. xi., § 9) : this was a fairly straightforward invasion, which all the leading Jacobites were pledged to support. It made but slow progress, however, because neither the Jacobites nor the French were prepared to take the first move : each wished the other to lead off the ball (ch. xii., §§ 12, 13).

Berwick's Invasion Scheme, 1695.

Behind this invasion scheme lay the "Assassination Plot," headed by Sir George Barclay, and tacitly supported by James. William was to be "captured" as he returned from hunting at Richmond. A man named Pendergrass gave informa-

Assassination Plot, February 1696.

tion which saved William, and led to the arrest of several conspirators. Three of them were hastily brought to trial, condemned, and executed, in order that they might not have the benefits of the new Treason Law, which came into force soon afterwards (§ 4); and five more were convicted under the milder procedure, and hanged.

The Loyal Association, etc., February 1696.

Meanwhile special measures had been taken to meet the danger. On Monday, February 24, William went down to Parliament in state, and explained that on the two previous Saturdays he had been preserved from murder only by the direct intervention of Providence. The Houses expressed their gratitude, and went on to pass two extraordinary Bills: one suspended the *Habeas Corpus Act*, in order that Government might legally detain suspects until it was convenient to produce the evidence against them (ch. ix., § 15); the other provided that Parliament should not expire with the King, but, unless formally dissolved by his successor, last six months after his decease (ch. xv., § 1). Though this Bill was primarily intended to obviate the confusion which might arise through William's sudden death, it is also important for its assumption of the principle assumed by the recognition of Convention as a Parliament (ch. xii., § 4)—*viz.* that, in Freeman's words, "it is not from the summons of the reigning king, but from the voice of the people, that Parliament derives its real being, and its inherent powers."

This frustrated attempt to assassinate the third William of Orange also occasioned a repetition of an expedient which had been suggested by the successful attempt upon the life of the first William of Orange a hundred and eleven years before (vol. II., ch. ix., § 4). "The Loyal Association," which the members of the Commons straightway formed to avenge William's murder and to maintain the *Bill of Rights*, resembled "the Bond" of 1585 in being originally a voluntary pledge designed to secure a "Protestant succession," in being developed by statute into a compulsory test for all office-holders under the Government, and in being enthusiastically caught up by the country at large (cf. ch. iii., § 8; ch. iv., § 4).

Amongst those arrested on the evidence of various

informers was Sir John Fenwick. In a confession which he made he implicated several of those ministers of William who had had illicit dealings with James (ch. xii., § 12); and it was in consequence of these revelations that Sunderland was able to induce Godolphin to withdraw from the Ministry in October 1696 (§ 1). Partly annoyed at this attempt to reopen old sores, partly from a personal dislike of the man who had insulted the Queen, William looked with favour on the *Bill of Attainder* (cf. ch. iv., § 4 *n.*), whereby Fenwick was at length brought to the block, at the end of January 1697. The flight of "Scum" Goodman, one of the two witnesses against him, had made his conviction, by ordinary process of law, impossible; but the feeling against this judicial legislation was so strong that the Bill was over two months struggling through the second session of Parliament (November 6, 1696—January 11, 1697). It was the last occasion upon which capital punishment has been inflicted by an Act of Attainder.

Attainder and Execution of Sir John Fenwick, January 28, 1697.

§ 6. The demonstrations of loyalty called forth by the Assassination Plot were all very well in their way, but did little towards paying the armies afoot in Flanders. Parliament made several efforts, however, to relieve the financial distress of the Government. Its chief measure—*the Recoinage Act*—received the royal consent the same day as the *Treason-Trials Act* (§ 4). In accordance with its provisions the old *hammered* coinage, which was battered and clipped beyond recognition, ceased to be legal tender on May 24, and was called in. The scarcity of coinage during the four months occupied in turning the metal into the new *milled* currency caused great financial tension; but this inconvenience was more than atoned for by the increased financial strength which the State and nation derived from the improved circulating medium. The expense was met by borrowing the £1,200,000 required on the security of a new *Window Tax*.

The Restoration of the Currency, 1696.

Montague's success in all his operations had been so great that the Tories thought it would be well to have a financial genius on their side also. Their choice fell on a "charlatan in finance" named Hugh Chamberlayne, whose

scheme was submitted to William by Robert Harley, now a leading Tory. He offered £2,500,000 at 7 per cent., on condition that the subscribers should be formed into a Land Bank, whose business was solely to lend money on land mortgages at 3½ per cent. William was delighted, and gave his assent to the measure on the day on which he prorogued Parliament. He had just been sending round the hat for £200,000: he was now going to get over ten times that sum. He showed his approval of the new scheme by subscribing £5,000 himself; but when the list closed, in accordance with the Act, on August 1, it was found that all the other subscriptions amounted to no more than half that sum. William had to go back to the Bank of England, and Montague's financial supremacy remained unshaken.

Authorisation and Failure of the Land Bank, April 17—August 1, 1696.

On October 20, 1696, the day on which Parliament reassembled after the King's return from an indecisive campaign in the Netherlands, Montague proposed and carried three resolutions in the Lower House, the effect of which was the complete rehabilitation of English credit:—

Montague's *Three Resolutions*, October 20, 1696.

i. That the Commons would support William against all foreign or domestic enemies.

ii. That the standard of money should be altered neither in fineness, nor in weight, nor in denomination.

iii. That the deficiencies (over £5,000,000) of all the Parliamentary funds since the King's accession should be made good.

Of these resolutions, none but the second was seriously opposed—and that only by futile financiers who fancied that the Government would gain by a debasement of the currency. The first was followed by a grant of nearly £5,000,000 for the war; the second brought out into use the hoarded new money, and gave the needed impetus to trade; the third was followed by the adoption of the *General Mortgage*, whereby it was provided the nation's liabilities were to be met out of the general revenue, should the taxes specially set apart to meet them fall short.

§ 7. The defeat of the Jacobite Plots and the financial recuperation of England conspired to make Louis XIV. willing to recognise his rival as King of England (ch. xi., § 5; ch. xii., § 7). Despite

Peace of Ryswick, Sept.—Oct. 1697.

tamperings with the currency, and fresh loads of taxes, he was worse off than William, and in 1696 he could barely clothe and feed his troops. In point of fact, though the military advantage had been throughout on his side, he had been crushed by the sheer weight of his many foes. On the other hand, the Alliance, after so many years' concerted action, was breaking up. The Duke of Savoy came to terms with Louis in July 1696, thus enforcing the neutralisation of Italy (cf. ch. xiv., § 6). In the following January Portland and Boufflers were set to work to arrange matters between England and France; and the sole result of sulking on the part of the rest of the Allies was that Louis was able to raise his terms by retaining Strassburg. The definitive treaties signed in the autumn of 1697 are lumped together as the *Peace of Ryswick*:—

i. *Treaty between France, England, the United Provinces, and Spain*, September 20 [N.S.]:—

(1) Louis XIV. recognises William III. as King of England, etc., with succession to Anne, and, though continuing to shelter James, engages not to maintain his claims.

(2) Louis XIV. restores to Spain all acquisitions made at her expense since the *Peace of Nymwegen*, 1678 [ch. ix., § 10].

(3) Spain admits Dutch garrisons to a line of fortresses on the Franco-Netherlandish frontier. [Cf. ch. xiv., § 19.]

(4) Mutual restitution by England and France of their colonial conquests—whereby England regains her Hudson Bay forts, France her colonies of Acadie and St. Kitts. [Cf. ch. xiv., § 17.]

ii. *Treaty between France and the Empire*, October 30 [N.S.]:—

(1) Louis XIV. restores all towns captured since 1679, except Strassburg, and evacuates fortresses on the right bank of the Rhine;

(2) Restores Lorraine to Duke Leopold [grandson of Charles III., the general in the war of 1672—1679];

(3) Acknowledges Joseph Clement as Elector of Köln, and compromises the claims of Elizabeth, Duchess of Orleans [Table, p. 247], upon the Palatinate for a lump sum [cf. ch. xi., § 2; ch. xiv., §§ 6, 7].

Universal Aspects of England in 1698.

§ 8. By this Peace England secured wholly, her Allies partly, the things for which they had gone to war with France (ch. xii., § 7). England had obtained the international recognition of the king of her choice, but in so doing had run up her National Debt from a few floating liabilities to £14,500,000. The war was not, however, simply a war about the English succession: it

was also the first in the series of wars which form what Sir John Seeley * has called "a kind of 'second Hundred Years' War' with France." The motives that gave unity to this struggle were commercial and colonial competition; and though that does not figure very strongly in the 1697 treaties, it had caused a deal of cross-raiding between the English and French settlements in and near North America during the war (ch. xvii., § 4). The year following the Peace was peculiarly fertile in illustrations of the spread of English interests all over the world. In January Peter, the young Tzar of Russia, fresh from the war which had made his dominions touch the Black Sea, spent three months near Deptford learning the art of ship-building, as the guest of John Evelyn the Diarist. In the course of the year the first great English missionary societies—the Society for the Propagation of the Gospel, and the Society for the Promotion of Christian Knowledge—were founded to counteract, if possible, the demoralising influence of the European trader upon the coloured races. In the same year the magnitude of the trade of the old East India Company was recognised by two home attempts to share it (ch. xvii., §§ 8, 9): the Scottish Darien Company started operations; and a group of English capitalists, who had begun trading to India some seven years ago, obtained a charter of incorporation as "the English Company." Efforts were made not only to work the field already available more thoroughly, but also to throw open fresh fields to English enterprise. That was one of the reasons, at any rate, why in this year Dampier was sent out to explore the coast of the continent which we call Australia, and why, in response to Louis XIV.'s overtures, William signed the *First Partition Treaty* dealing with the Spanish dominions in October, 1698 (ch. xiv., § 3).

§ 9. Never before or after did William stand so near the hearts of his English subjects as when in December 1697 he arrived back from his triumphant negotiations at Ryswick. His first triennial Parliament in its third and last session showed

Parl. III., Sess. iii.: Dec. 3, 1697—July 5, 1698.
Retrenchment.

* *Expansion of England*, p. 98. This idea is pretty fully worked out in the second and seventh lectures in the first series—dealing respectively with "England in the Eighteenth Century," and with "Phases of Expansion." The original "Hundred Years' War" between England and France lasted roughly from 1338 to 1451.

its sympathy with the uproarious welcome that he had received from the populace by strenuous endeavours to pay the bill incurred in his defence. It doubled the customs-duty of 5 per cent. imposed in 1660 upon certain imports and exports, and now known as "the Old Subsidy" (ch. i., § 26 *n.*). It gave a guarantee to make good any sum by which the taxes, etc., assigned in 1690 for William's personal expenses should fall short of the full £700,000 (ch. xii., § 9). It authorised the formation of the new "English" East India Company on condition that it should advance to the Government the sum of £2,000,000 at 8 per cent (§ 8).

Reduction of the Army, January 1698.

Not content with opening up new sources of revenue, Parliament sought to cut down expenses, and so came into collision with the King. It brought in a Bill to reduce the standing army from 80,000 to the strength of 1680—thus following the plenipotentiaries of the recent Peace in laying down the condition of things at the *Peace of Nymwegen* as a standard (§ 7). At the same time the *Mutiny Act* was allowed to expire (ch. xii., § 5). William, sorely against his will, gave his consent to these proposals. In addition to being moved by the old dislike, common to both parties, to a standing army, Parliament believed that by its reduction it was doing away with one of the strongest incentives to a renewal of war. William, on the other hand, held that the maintenance of an army large enough to enable him to hold his own against Louis was the surest guarantee of peace. In January 1698, funds were granted sufficient to keep standing a maximum of 10,000 soldiers and 10,000 sailors. About the same time there was set on foot another scheme for retrenchment which was still more of a rebuff for the King: it consisted in the recovery of the estates of the Crown from those to whom he had lately granted many lands (§§ 10, 11).

Parliament IV., Session i.; Dec. 9, 1698—May 4, 1699.

§ 10. The mysterious negotiations which were going on all through the summer of 1698 excited a suspicion, which their outcome—the *First Partition Treaty*, October 1698 (ch. xiv., § 3)—seemed to justify, that England was being let in for more foreign entanglements. Accordingly when William's fourth Parliament first came together in December 1698, it carried

its predecessor's policy a step onward by carrying a motion that the army should be further reduced to 7,000, all of whom must be born Englishmen. William not only saw his diplomatic strength seriously impaired by this conspicuous diminution of his resources, but was compelled to send away his favourite Dutch guards. He felt this humiliation and ingratitude so keenly that he once more meditated retirement from the government of his island kingdoms; but, as in 1690, he was persuaded by his ministers to stay (ch. xii., § 8).

"Tacking" Measures and Attacking Ministers.

In the same session vigorous attacks were made on Montague and Russell (who had now been for two years Earl of Orford) for maladministration of their respective departments, in consequence of which both resigned their offices—Orford at once, Montague in the autumn. It was at this time too that Leeds formally vacated the Lord Presidency (§§ 1, 3). But more important than these ministerial changes was the appointment of seven Commissioners to inquire into the manner in which the King had disposed of the forfeited Irish land (ch. xvi., § 17). The Commons now carried the proposed investigation by "tacking" the measure to a Money Bill,—a form of Bill which, in accordance with a principle allowed by the Upper House in 1671 (ch. viii., § 3), the Lords must either reject or pass as it stood. If they rejected the Bill, the King would be left without supplies: accordingly they yielded the point for the present. This was in April 1699.

Parliament IV., Session ii.: Nov. 16, 1699—April 11, 1700. *The Resumption Bill.*

§ 11. When Parliament reassembled in November it soon began to act on the more hostile of the two reports submitted by the Commons' Commissioners. It was found that of 1,700,000 acres confiscated in Ireland, one-fourth had been restored to its old possessors, but that the rest had been given, for the most part, to such foreign favourites as Portland's son, the Earl of Woodstock, and Keppel, Lord Albemarle. Interference with royal grants of this kind had not been practised since the Tudors; but it was claimed that it was now allowable because William had promised not to deal with the forfeited land without giving Parliament an opportunity to discuss the matter. The break-

ing of this promise,—William's plea, that he had not proceeded to give away the lands till several sessions had risen without raising the question, being ignored,—the lavishness of the grants, and the choice of grantees were held to be together sufficient to justify intervention; and accordingly a *Resumption Bill*, vesting all such lands in Parliamentary trustees, was brought in and carried (April 1700). The Commons again adopted the tactics of the preceding year, and forced the Bill through the Lords by tacking it to the *Land-Tax Bill* (§ 10: cf. ch. xii., § 14).

The earlier part of the session thus closed had been marked by a belated penal statute which at first sight seems utterly devoid of the kind of provocation that led to the bulk of such measures—*viz.* the sudden appearance of some external or internal danger. Possibly the Commons' Commissioners during their recent inquiries into Irish Crown lands had been enthralled by the beauty of the Penal Code which was now in course of erection in Ireland (ch. xvi., § 18): at any rate the savage *Anti-Romanist Act* which became law in February 1701, and which, though practically a dead letter, was not formally repealed till 1778, recalled the main features of the Irish Acts. But whatever the source of its inspiration, the chief desire of Parliament was to strike an oblique blow at William's friendship for the time being with Roman Catholic France (ch. xiv., § 3). Surely "His Most Christian Majesty" would never join hands with a monarch who could lay his co-religionists under such severe disabilities as these:—

The *Anti-Romanist Act* of February 1700.

i. *Worship*: that a reward of £100 be given to any one informing against a Popish priest exercising the offices of his Church, who then became liable to a penalty of imprisonment for life.

ii. *Landownership*: that every Papist must, within six months after attaining his eighteenth year, take the oaths of Allegiance and Supremacy, and subscribe the declaration against Transubstantiation and the worship of the saints; in default whereof he is incapacitated from holding land by purchase or inheritance, and the property is to go to the next of kin who is a Protestant.

iii. *Education*: that no Papist may (1) keep a school (under penalty of imprisonment for life), or (2) send his children abroad to be educated.

§ 12. The most notable events during the rest of the year were the deaths of two princes—William Duke of Gloucester, July 29, and Charles II. of Spain, November 1, 1700. By the death of William, the sole surviving child of Princess Anne and Queen Mary's adopted son, the English succession after Anne's death was left an open question: by the death of Charles the Spanish dominions were rendered liable to the long-anticipated dispute between the collateral branch of the Hapsburgs and the rival House of Bourbon (Table, p. 296, and ch. xiv., §§ 2-5). William III., feeling as usual more interest in Continental business, did his best to gain the support of England in his attempt to prevent the whole of the Spanish inheritance passing beneath the control of his French rival. In December 1701, he reconstructed his Ministry by permitting the unpopular Montague to retire from the Treasury—with the title Earl of Halifax—and by leavening it with Rochester, Godolphin, and other Tories; and he dissolved Parliament in hope of securing another more favourable to his policy: instead of which it threw so much cold water upon his schemes that he was in April 1701, compelled to recognise Louis' grandson as Philip V. of Spain (ch. xiv., § 5).

Death of William of Gloucester and Charles II. of Spain, 1700.

§ 13. William's fifth Parliament, immediately upon its assembling in February 1701, took in hand the regulation of the English succession. It approached the question with the same anti-Romanist bias that had been shown in the previous Parliament (§ 11). It not only set aside the Duchess of Savoy, daughter of Charles II.'s sister, Henrietta of Orleans, as well as the sons of Elizabeth, the titular Queen of Bohemia (Tables, pp. 246, 252), solely on account of their religion, but also rejected Godolphin's proposal that James II.'s descendants should be admitted if they became Protestants. It now selected the candidate who had been designedly omitted from the *Bill of Rights* (ch. xii., § 8)—Elizabeth's daughter Sophia, whose husband had nine years before been created Elector of Hannover (cf. ch. xiv., § 6). To this settlement of the crown it affixed certain constitutional conditions which betrayed that same jealousy of foreign influence which had expressed itself in an address

Parliament V.: February 10—June 24, 1701.

of the preceding April, praying that no foreigners be admitted to the Privy Council in England or Ireland.

The double-barrelled measure which, after a slow passage through both Houses, became law in June 1701, was therefore formally intituled "an Act for the further Limitation of the Crown and the better securing the Rights and Liberties of the Subject":—

Act of Settlement or Succession, June 12, 1701.

I. LIMITATION OF THE CROWN: that in default of issue to William and to Anne, the kingdoms of England, France, and Ireland shall devolve upon the Princess Sophia and her heirs, being Protestants—subject to the religious provisions set forth in the *Bill of Rights* [ch. xi., § 11; ch. xii., § 8].

II. CONSTITUTIONAL SETTLEMENT—to take effect from the accession of the House of Hannover—"for securing our Religion, Laws, and Liberties":—

i. *Religion*: "Whosoever shall hereafter come into the possession of this crown shall join in communion with the Church of England as by law established."

ii. *Foreign Wars*: "This nation shall not be obliged to engage in any war for the defence of any dominions or territories which do not belong to the Crown of England, without the consent of Parliament."

iii. *Royal Movements*: The Sovereign shall not "go out of the dominions of England, Scotland, or Ireland, without consent of Parliament."

iv. *Privy Council*: "All matters relating to the well-governing of this kingdom, which are properly cognisable in the Privy Council by the laws and customs of this realm, shall be transacted there; and all resolutions taken thereupon shall be signed by such of the Privy Council as shall advise and consent to the same."

v. *Aliens*: "No person born out of England, Scotland, or Ireland, or the dominions thereto belonging (although he be naturalised or made a denizen), except such as are born of English parents, shall be capable to be of the Privy Council, or a member of either House of Parliament, or to enjoy any office or place of trust, etc."

vi. *Placemen*: "No person who has an office or place of profit under the King, or receives a pension from the Crown, shall be capable of serving as a member of the House of Commons."

vii. *Judiciary*: "Judges' commissions shall be made *quamdiu se bene gesserint*, and their salaries shall be ascertained and established [this is instead of variable fees]; but upon the address of both Houses it may be lawful to remove them."

viii. *Impeachment*: "No pardon under the Great Seal shall be pleadable to an impeachment by the Commons."

§ 14. This *Act of Settlement or Succession* has been given high rank as "the seal of our constitutional laws" (Hallam), but in point of fact it was even more egregiously abortive than the Commonwealth Constitutions (pp. 142—145;

ch. vii., § 1). These last had broken down because they embodied too many ideas for which men's minds were not yet ripe: this Act broke down because it embodied ideas which were already passing away. It was simply a monument of the political prejudices and panaceas of the day, erected by the united efforts of both parties. The Tories were hostile to the King because he was William: the Whigs were hostile to William because he was King. They therefore united to frame a measure which was an implicit censure upon King William.

Constitutional Comments on the *Act of Settlement*: i. Why it was so drafted.

The only clauses which have survived in their entirety down to our own days are the first and the seventh. Victoria was chosen Queen by the *Act of Settlement*, and when in England must be Anglican; and the Judiciary remains practically irremovable. Since that time judges may have been influenced in their conduct and decision of cases by hope of favours, but not by fear of royal or party spite (ctr. ch. i., § 15). The eighth clause resembles its neighbour in being still in force, and in being designed to secure the ultimate responsibility of high officials to Parliament; but as impeachment has become obsolete, it is of purely antiquarian interest. The fourth clause was similarly aimed at securing ministerial responsibility; but the Privy Council was once more recognised as too unwieldy to transact the work of administration (cf. ch. ix., § 14), and the clause was repealed in 1706, before ever it came into force. Its task of general supervision of the government passed to the Cabinet (§ 2). But that body could never have come into existence so long as the sixth clause excluded administrative officials from the House of Commons. It was, however, modified in 1705 by the provision that though any member of the Commons who accepted any office under the Crown (except a higher commission in the Army or the Navy) must forthwith vacate his seat, yet he was in most cases eligible for re-election: if, therefore, his constituents entertained a suspicion of any sinister use of the royal patronage to corrupt their member, they could decline to return him to his place. These provisions were among the first of the many Acts passed to restrain the "influence," as distinct from the Prerogative, of the Crown (ch. ix., § 7). The

ii. How it has since been modified.

remaining three clauses were each redolent of insular conservatism: the third was repealed in 1716; the second caused a deal of heart-burning so long as Hannover was attached to the English King (1714—1837), but was probably never broken outright; the fifth, which upset the principles laid down in *Calvin's Case* (ch. i., § 4), held good until the *Naturalization Acts* of the reign of Queen Victoria.

Impeachment of the Whig Leaders, May—June, 1701.

§ 15. The remainder of the session which passed the *Act of Settlement* was chiefly occupied with party recriminations. The Tory majority in the Commons sent up an impeachment against Portland, Orford, Somers, and Halifax. The charge common to all the indictments was their share in the *Partition Treaties* (ch. xiv., §§ 1-4): Orford and Halifax had, it is true, been merely passive in that business, but Portland had been chief plenipotentiary, and Somers had sought to evade responsibility—somewhat after the style of Danby (ch. ix., § 12)—by affixing the Great Seal to the blank papers which were to contain the treaties. Halifax and Portland were also accused of extensive malversation of the finances; while Somers and Orford were, ludicrously enough, asserted to have been participators in the notable piracies of Captain Kidd. There was so little evidence that, when on June 17 the Lords took their seats for Somers' trial, the managers of the Commons did not appear.

The *Kentish Petition*, May 8, 1701.

The consequent acquittal of Somers was one of the signs of the Whig reaction which showed itself very strongly marked after the presentation of the *Kentish Petition*, on behalf of the Grand Jury of Kent, by William Colepepper and four others—who were imprisoned for it (cf. ch. iv., § 1; ch. viii., § 3; ch. ix., §17). Though it was voted "scandalous, infamous, and seditious," it was backed up by many similar petitions, one of which, *The Legion Memorial*, was among the earliest of Defoe's works. The concluding prayer of the *Kentish Petition* ran:—

> "That this House will have regard to the voice of the people; that our religion and safety may be effectually provided for; that the loyal addresses of this House may be turned into Bills of Supply; and that his Majesty may be enabled powerfully to assist his Allies before it be too late."

§ 16. Exulting in these demonstrations of support,

William prorogued Parliament on June 24, and crossed over to the Continent to forward his plans for "engaging the English people in war without their knowing it." Already he had despatched Marlborough with 10,000 troops to support the Dutch, and on August 28 he committed England to his new *Grand Alliance* (ch. xiv., § 5). Yet it was still very doubtful whether England would cast off its indifference to Louis' aggrandisement, when an act of impolitic generosity on his part changed the whole aspect of affairs. On September 6, barely a week after the formation of the *Grand Alliance*, James II. died at S. Germain's (ch. xi., § 9); and Louis, perhaps letting a chivalrous sympathy for the widow overbalance his resolution in council, at once acknowledged his son James, the Chevalier de S. George, as King (ch. x., § 12).

Death of James, September 6, 1701.

Nothing could have suited William better. Loyal addresses poured in from a nation which, having recently disapproved of outside interference with the succession of a foreign kingdom, could, without incongruity, be indignant that a sovereign should be imposed on itself from without. The feeling against the Tories was not lessened when the French envoy was found drinking with Jacobites in a Jacobite tavern—"The Blue Posts." Yet William retained several Tories in his Ministry, and the new Parliament, which met on December 30, 1701, included a fair sprinkling of Tories. The Whigs, however, were strong enough to carry a *Bill of Attainder* against young James, and a *Bill of Abjuration*, imposing upon all civil officers, ecclesiastics, members of universities, and schoolmasters an oath to renounce "the pretended king" (ctr. ch. xii., § 8).

Parliament VI.: Anti-Jacobite Movement.

Meanwhile William gleefully pushed forward his preparations for war; but "his body without strength, almost without life," succumbed to a fever which set in after a fall from his horse, and on March 8 he passed away. The fall had been due to his horse stepping upon a mole-hill; and thereafter good Jacobites expressed in a breath their hatred of the usurper and a compliment to his diplomatic and administrative genius by drinking to the health of "the gentleman in black velvet!"

Death of William III., March 8, 1702.

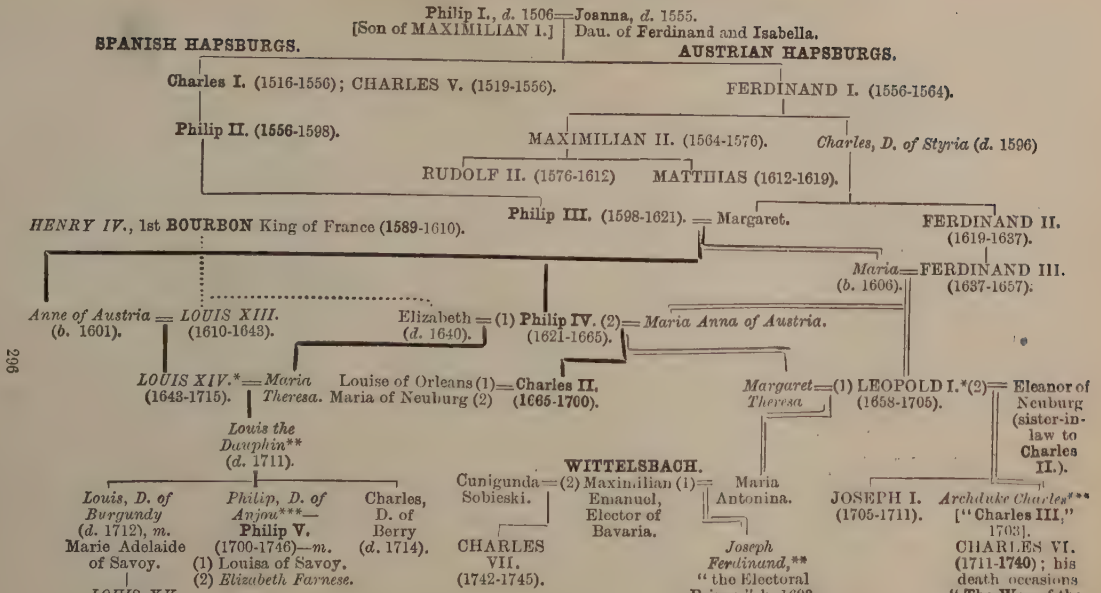
The War of the Spanish Succession, 1701—1715.

Year	I. The Low Countries and the Lower Rhine.	II. Upper Germany and the Middle Rhine.	III. Italy.	IV. Spain and the Seas.
1701	Dutch troops excluded from the Barrier towns (Feb.): hence *U. P.* acknowledge Philip V. *Eng.* ack. Philip V., April.	*THE GRAND ALLIANCE* (September 7): *Emp., Eng., U.P.*	Eugene, despite Catinat, invades the Milanese, and defeats Villeroy at **Chiari** (Sept. 11).	*FRANCO-SPANISH ASIENTO TREATY* (Aug. 27). [DEATH OF JAMES II. of England, Sept. 16.]
1702	D. OF WILLIAM III., Mar. 19; Anne declares war, May 14. (i) *Maas:* Marl. *v.* Burgundy and Boufflers. Marl. takes **Venlo, Ruremonde, Liége** (Sep.—Oct.). (ii) *Lower Rhine:* Pruss. and Pal. Army takes **Kaiserwerth** (June).	(i) Louis of Baden seizes **Landau** and threatens Elsass. (ii) Villars, Catinat's sub., pushes towards Bavaria and beats L. B. at **Friedlingen** (Oct. 14).	Eug. captures Villeroy at **Cremona** (Feb. 2), but is forced by Vendôme to raise the siege of **Mantua**, and is defeated at **Suzzara** (Aug. 15).	(i) *Sea:* Du Casse beats Benbow off **S. Domingo** (Aug. 29); Ormonde fails before **Cadiz** (Aug.), but sinks treasure-ships in **Vigo Bay** (Oct. 22). (ii) *Spain:* Louis engages to get Sp. Neth. for El. of Bav.
1703	(i) Boufflers defeats Opdam's Dutch army at **Eckerne**. (ii) Marl. takes **Huy, Limburg**, and **Bonn**, and expels Elector of Köln.	(i) Villars joins E. B., and invades Tirol (June). (ii) L. B. at Stolhofen, facing Tallard. (iii) Villars beats Stirum at **Höchstädt** (Sep. 20).	Vendôme pushes Eugene up the Brenner, where his rear is menaced by Villars [II.]; recalled when the Duke of Savoy deserts France.	SAVOY and PORTUGAL *join GRAND ALLIANCE.* (i) *TR. OF TURIN* (Oct. 25): *Emp.* cedes part Mil. to *Sav.* (ii) *METHUEN TREATY* (May 16): *Eng., Port.*
1704	[Vienna threatened on the East by Ragoczy's Magyars, on the West by the Franco-Bavarian Army.] Marl. leaves Dutch at Coblenz, facing Villeroy at **Trier**, which M. takes in Dec.	Marl. leaves Coblenz (June); beats E. B. at **Schellenberg** (July 2); with Eug. routs Marsin, Tallard, and E. B. at **BLENHEIM** (Aug. 13).	[Villars recalled to put down Camissard rebels in Cevennes]. Vendôme reducing Piedmontese strongholds.	Rooke conveys Archduke Charles to Lisbon and on to Catalonia: he surprises **Gibraltar** (Aug. 3), and defeats Fr. fleet near there (October).
1705	Marl. defeats Villeroy at **Tirlemont** (July 18) and relieves **Liege**.	JOSEPH I., *Emp.*, May. L. B.'s delays spoil Marl.'s projected invasion of France, *viâ* the Moselle (May).	Vendôme beats Eugene at **Cassano** (Aug. 16), and Reventlau at **Calcinato** (Aug. 19).	(i) Leake beats Toulouse off **Malaga** (March) and Tessé off **Gibraltar** (Oct.). (ii) Peterborough takes **Barcelona** (Oct. 4).
1706	Marl. routs Villeroy (who is replaced by Vendôme) at **RAMILLIES** (May 23), and occupies the greater part of Sp. Neth. "CHARLES III." *proclaimed at Brussels* (June).	Villars inactive; Louis M. of Baden dies—succ. by Margrave of Bayreuth. *Louis XIV.'s First Overtures for peace.*	Eug. routs Marsin; drives La Feuillade from bef. **Turin** (Sep. 1); beats Orleans at **CASALE**. "CHARLES III." *proclaimed at Naples.*	(i) Peterborough relieves Barcelona, besieged by Phil. V. (ii) Galway enters Madrid from West (June 26) and *proclaims* "CHARLES III."—who aband. Madrid in Oct.

Year	I. The Low Countries and the Lower Rhine.	II. Upper Germany and the Middle Rhine.	III. Italy.	IV. Spain and the Seas.
1707	Marl. *v.* Vendôme: in April, Marl. diverts CHARLES XII., *Sw.* [*ANGLO-SCOTTISH UNION takes effect*, May 1.]	Villars reaches the Danube, but is driven back by George, the Elector of Hannover.	Eugene invades Provence and besieges Toulon (July—Sept.).	Berwick defeats Galway and Las Minas at **ALMANZA** (April 25).
1708	(i) Marl. def. Burgundy and Vendôme at **OUDENARDE** (July 11). (ii) Webb wins **Wynendaal** (Sept. (iii) Eugene takes **Lille** (Dec. 9). [27).	[CHAMILLART succ. by Desmarets as *Minister of Finance.*]	French expelled from Naples.	(i) Byng fights a French Jacobite fleet off **Dunkirk.** (ii) Leake and Stanhope take **Sardinia** and **Minorca.**
1709	Marl. and Eug. take **Tournay** (July), defeat Villars at **MALPLAQUET** (Sept. 11), and take **Mons** (Oct. 20).	*Louis XIV.'s Second Overtures for peace* (May). [CHAMILLART succ. by Voisin as *War Min.*].	[TRIAL OF SACHEVERELL, March.]	[*FIRST* (*Anglo-Dutch*) *BARRIER TREATY*, Oct. 29.]
1710	Marl. takes **Douay** (June), **Bethune,** etc., and reaches the old frontier of France. FALL OF ENGLISH WHIG MINISTRY (Aug.). Harley (Earl of Oxford, 1711) and St. John (Viscount Bolingbroke, 1712) come in at the head of a TORY MINISTRY.	*Louis XIV.'s Third Overtures for peace: CONGRESS OF GERTRUYDENBURG* (March 11—July 26).	[BIRTH OF LOUIS XIV.'S GREAT-GRANDSON Louis (XV.).]	(i) Vict. of Stanhope at **Almerara** (Jy. 27), of Staremberg at **Zaragoza** (Aug. 20). (ii) Charles's 2nd occupation of Madrid [*sub.* 1706]. (iii) Vendôme captures Stanhope at **BRIHUEGA** (Dec. 9), and defeats Staremberg at **Villa Viciosa** (Dec. 10).
1711	Marl. breaks Villars' lines at **Arleux** (Aug. 5), and takes **Bouchain** (Sept. 13). DISMISSAL OF MARL. (Dec.).	DEATH OF JOSEPH I. (April 17): Archduke C. becomes Emp. as CHARLES VI.	[DEATH OF LOUIS THE DAUPHIN.]	(i) Duguay-Trouin takes **Rio de Janeiro** (Sept.—Oct.). (ii) Hill attacks **Canada** (May—Oct.).
1712	*CONGRESS OF UTRECHT* opens in January: *Anglo-French Truce* (May).	Villars def. Dutch at **Denain** (Jy. 24), and raises siege of **Landrecies.**	[Death of the Duke and Duchess of Burgundy (Feb.).]	Philip V. confirms cession of Sp. Neth. to E. B. [see *sub* 1702, IV.]
1713	*FRENCH AND SPANISH TREATIES OF UTRECHT.*	Villars reduces **Freiburg.**		[*SECOND* (*Anglo-Dutch*) *BARRIER TR.*, Jan. 30.]
1714	[DEATH OF QUEEN ANNE, Aug. 11.]	*TRR. of RASTADT & BADEN: Emp., Diet., Fr.*	[Death of D. of Berry.]	
1715	*THIRD* (*Austro-Dutch*) *BARRIER TREATY* (Nov. 15).		[DEATH OF LOUIS XIV., Sept. 1.]	

Note.—All dates in this Table are in the New Style.

The Spanish Succession.


Philip I., d. 1506 = Joanna, d. 1555.
[Son of MAXIMILIAN I.] Dau. of Ferdinand and Isabella.
SPANISH HAPSBURGS.
AUSTRIAN HAPSBURGS.
Charles I. (1516-1556); CHARLES V. (1519-1556).
FERDINAND I. (1556-1564).
Philip II. (1556-1598).
MAXIMILIAN II. (1564-1576).
Charles, D. of Styria (d. 1596)
RUDOLF II. (1576-1612)
MATTHIAS (1612-1619).
Philip III. (1598-1621). = Margaret.
FERDINAND II. (1619-1637).
HENRY IV., 1st BOURBON King of France (1589-1610).
Maria = FERDINAND III. (1637-1657).
(b. 1606).
Anne of Austria = LOUIS XIII. (1610-1643).
Elizabeth = (1) Philip IV. (2) = Maria Anna of Austria.
(d. 1640). (1621-1665).
LOUIS XIV.* = Maria Theresa. Louise of Orleans (1) = Charles II. (1665-1700).
(1643-1715). Maria of Neuburg (2)
Margaret Theresa = (1) LEOPOLD I.* (2) = Eleanor of Neuburg (sister-in-law to Charles II.).
(1658-1705).
Louis the Dauphin** (d. 1711).
WITTELSBACH.
Cunigunda Sobieski. = (2) Maximilian Emanuel, Elector of Bavaria. (1) = Maria Antonina.
Louis, D. of Burgundy (d. 1712), m. Marie Adelaide of Savoy.
Philip, D. of Anjou***— Philip V. (1700-1746)—m. (1) Louisa of Savoy. (2) Elizabeth Farnese.
Charles, D. of Berry (d. 1714).
JOSEPH I. (1705-1711).
Archduke Charles*** ["Charles III," 1703].
CHARLES VII. (1742-1745).
Joseph Ferdinand,** "the Electoral Prince," b. 1693. o.s.p. 1699.
CHARLES VI. (1711-1740); his death occasions "The War of the Austrian Succession."
LOUIS XV. (1715-1774).

NOTE.—Names of the Roman Emperors are shown in ROMAN CAPITALS, those of French Sovereigns in *ITALIC CAPITALS*, those of Spanish Sovereigns in dark type, other leading names in *small italics*. The hyphen-coupled dates within brackets give the period within which the annexed title is held. The descent of the Bourbon Kings of Spain is shown by the dark lines; that of the Austrian Hapsburg claimants is shown by a double line. The principal claimants just before Charles II.'s death are distinguished by one or more asterisks, according to their degree of proximity to Philip IV. Fuller details of the sixteenth-century portion of the table, specially the accumulation of various lands by the Hapsburgs, are given in the Genealogical Table in Vol. II., p. 84.

CHAPTER XIV.

The Spanish Succession.

From the First Partition Treaty to the Peace of Utrecht, 1698—1715.

§ 1. The Spanish Succession: (*a*) Legal Aspects.—§ 2. (*b*) International Aspects.—§ 3. The two *Partition Treaties* arranged by France and the Maritime Powers, 1698-1700.—§ 4. (*c*) Spanish Aspects: Death of Charles II. and Accession of Philip V., November 1-16, 1700.—§ 5. Recognition of Philip V. by England and the United Provinces, April 1701; *the Grand Alliance*, September 7, 1701; the Death of James II., September 16, 1701, and of William III., March 19, 1702; Marlborough.—§ 6. Comparison of Strength between the Grand Alliance and the Bourbons.—§ 7. The Campaigns of 1702-3 on the Maas, the Rhine, and the Po: Savoy and Portugal join *the Grand Alliance*, 1703.—§ 8. Marlborough's Campaign of 1704: Blenheim, August 13.—§ 9. The Results of Blenheim; English Naval Operations in Spain, 1702-4; Rooke's Surprise of Gibraltar, August 3, 1704.—§ 10. Peterborough's Capture of Barcelona, October 1705; Marlborough's Projects and Performances, 1705.—§ 11. Marlborough's Victory at Ramillies, May 23, 1706; Ruvigny occupies Madrid, June; Louis' First Overtures for Peace.—§ 12. Berwick's Victory at Almanza (April 25) and other Reverses for the Allies, 1707.—§ 13. Franco-Jacobite Expedition to Scotland, 1708; Marlborough's Victory at Oudenarde, July 11; Capture of Lille (December) and of Port Mahon (September).—§ 14. Louis' Second Overtures for Peace, May 1709; Marlborough's last great Victory, at Malplaquet, September 11.—§ 15. Congress of Gertruydenburg, March—July 1710; Franco-Spanish Victories at Brihuega and Villa Viciosa, December 9, 10.—§ 16. Election of the Archduke Charles as Emperor and other Causes making for Peace, 1711; Marlborough's Last Campaign.—§ 17. French and Spanish *Treaties of Utrecht*, April—August, 1713.—§ 18. Franco-Imperial *Treaty of Rastadt* and *Treaty of Baden*, 1714.—§ 19. *The Third*, or *Austro-Dutch, Barrier Treaty*, 1715.—§ 20. Continental and British Aspects of *the Peace of Utrecht*.

The Spanish Succession: i. Legal Aspects.

§ 1. The reign of "Good Queen Anne," both in its international and in its constitutional aspects, exhibits a striking continuity with that of its predecessor. Before we turn to this home story (ch. xv.), however, it will be expedient to trace the

course of international affairs; and in so doing we shall pay more attention to diplomatic motives than to military movements, more attention to the course and consequence of the campaigns than to the details of battles. The Spanish succession question, which had been well within the range of diplomatic vision ever since the death of Philip IV. in 1665 (ch. viii., § 11), began towards the end of the century to stare Europe in the face. The Spanish King, Charles II., a weakling both in body and in mind, could not possibly last out much longer; and as he was the last descendant in the legitimate male line of Philip II., there was likely to be some dispute as to his successor. Although the United Provinces (1579—1609) and Portugal (1640—1668) had seceded, and France had annexed Roussillon (1659), Franche-Comté (1678), and many towns in Flanders and Hainault, the Spanish dominions still remained vast and varied. In Europe they included Spain, the Southern Netherlands, the Milanese, Naples, Sicily, and Sardinia: outside Europe, the whole of South and Central America (except the Brazils), Mexico, Florida, the chief islands in the West Indian and the Philippine groups.* In the absence of a direct heir, all these valuable estates were exciting the cupidity of rival claimants. These were members of the two royal houses of France and Austria, with which the Spanish house had for two generations exclusively intermarried (Table, p. 296). Charles II. had taken a wife from each side; his elder sister and his elder aunt had married Bourbon kings; while his younger sister and his younger aunt had married Hapsburg Emperors. According to the ordinary legal rules of succession the inheritance would descend to the children of Charles's elder sister—that is, to Louis the Dauphin and his heirs. But in accordance with *the Treaty of the Pyrenees*, which arranged the marriage in 1659 (Table, p. 182), the Dauphin's mother, Maria Theresa, had expressly renounced her right of succession to the Spanish dominions. Similar renunciations had been made by the wives of Louis XIII. and Leopold, but not by Leopold's mother; and moreover Leopold had compelled his daughter by his Spanish wife to

* How all these came into the same hands is shown in vol. II., Intro., §§ 10, 11, 13 17, and genealogical table, p. 84. The dates in this chapter are in the New Style.

renounce her Spanish claims when she married the Elector of Bavaria. If, then, all these renunciations were valid, the worth of the claims stood in precisely inverse order to that suggested by mere inspection of the genealogical table: firstly Leopold and his second family (Hapsburgs); secondly Leopold's grandson, Joseph of Bavaria and his heirs (Wittelsbachs); and thirdly Louis the Dauphin and his heirs (Bourbons).

ii. International Aspects.

§ 2. But the validity of some of these renunciations was highly disputable: that of Leopold's daughter Maria Antonina had never been countenanced by any Spanish authority; and that of Maria Theresa had been contingent upon a money payment from Spain to France, which had never been made. Besides, the question was too big to be treated as a private quarrel about some family estates, and settled by the rules of the law of real property: it was an international question which concerned many others beyond the rival claimants. Europe was better organised than it had been two centuries ago, and by its successful resistance to Louis XIV.'s ambitions had proved itself both able and willing to prevent the establishment, by either Bourbon or Hapsburg, of a dominion as huge as that of Charles V. Such a consummation would so deeply injure the Sea Powers and the German princes in particular, that it was quite possible they might go to war to prevent it (§§ 3, 5). It was the recognition of this probability that caused the principal claimants, both Bourbon and Hapsburg, to pass on their claims to Philip, Duke of Anjou, and to the Archduke Charles, respectively—younger sons who were unlikely to inherit the paternal territories.

Austro-French Partition Treaty, January, 1668.

It was the recognition of the same fact that caused the idea of partition to be entertained. Only three years after the death of Philip IV., Louis had mooted that idea, and had made a bargain with Leopold, the only other claimant then in the field, for the division of the Spanish inheritance should Charles II. die heirless (cf. ch. viii., § 11; ch. ix., § 1). According to this *Austro-French Partition Treaty* of January 1668—

i. *The Emperor* was to have Spain (except Navarre and Catalonia), the Spanish Indies, and the Milanese;

ii. *France* was to have Navarre, Catalonia, the Spanish Netherlands, Franche-Comté, Naples, and Sicily.

The march of events since 1668 had, however, made most of this treaty obsolete. France had obtained all the Spanish territory that was essential for the security of her northern and eastern frontiers; and the heightened position of the United Provinces, thanks to the leadership of William III. and to the English connexion, had made further acquisitions in that quarter too difficult to be worth attempting. On the other hand, the Sea Powers were hardly likely to acquiesce in their continued exclusion from the commerce of the Spanish Indies (cf. ch. vii., § 3) and in the strengthening of a rival control over the Mediterranean by the establishment of France in her old haunts at Naples (vol. II., Intro., §§ 8, 12; ch. i., § 9; ch. iii., § 1).

§ 3. It was Louis XIV. who revived the idea of a peaceful partition. Shortly after the *Peace of Ryswick* he sent Tallard over to London to sound William, and after some suspicious hesitancy on the part of the latter negotiations were begun in March 1698. Each side gave substantial earnests of its desire for a feasible and equitable settlement—William by renouncing his pledge of ten years since to support the Emperor's claims, Louis by sacrificing his children's claims, to the whole inheritance. Nearly four months were occupied in deciding that the Electoral Prince Joseph should have the bulk of the Spanish territories; and another three were occupied in apportioning compensation to the other claimants, with the result that the Dauphin obtained the lion's share. On October 11, 1698, France, England, and the United Provinces formally set their hands to what is variously styled the *Treaty of Loo* or the *First Partition Treaty*:—

First Partition Treaty, October 11, 1698.

i. *Joseph the Electoral Prince of Bavaria* to have Spain and the Spanish possessions in the Netherlands, America, and the Indies.
ii. *Louis the Dauphin* to have Guipuzcoa, Naples, Sicily, and the Tuscan Ports (the chief of which were Piombino and Orbitello).
iii. *Charles, the Archduke*, to have Luxemburg and the Milanese.

This treaty was, as Ranke puts it, "an arrangement which was in harmony with existing circumstances, and which could probably have been carried out." So long as France and the Maritime Powers were at one, it was idle for the Archduke

Death of the Electoral Prince, February 6, 1699.

to grumble at his disherison, for Spain to resent the impertinence of compulsory disintegration. The fact that the Electoral Prince was neither a Bourbon nor a Hapsburg commended him to the partitionists: his youthfulness, which made it possible that he should be removed from Bavaria and brought up as a Spaniard, commended him to Charles II., who, when the details of the treaty leaked out, speedily executed a will in his favour as *sole heir*. The young prince's sudden death in the following spring made both will and treaty waste-paper; but Louis at once set to work again, and in May 1699, agreed upon a new partition with William and his friend the Grand Pensionary Heinsius. The attempt to find a third party, identified with the interests of neither of the principal claimants, utterly broke down. William and Heinsius looked with little favour upon the shuffling Duke of Savoy, while Louis XIV. would not accept the proposal to put the Elector of Bavaria in the room of his dead son. Ultimately the Archduke Charles was accepted as the best substitute for his half-nephew Joseph.

Second Partition Treaty, March 13, 1700.

It has seemed so odd that France, after a century of struggle against the Austro-Spanish family alliance, should take part in the deliberate establishment of an Austro-Spanish monarchy, that many have believed Louis insincere in all these negotiations. But in point of fact the French acquisitions were such as to render unformidable the reunion of the Hapsburg dominions. If France owned Lorraine she could hamper the communication between Vienna and the Netherlands; and if she had a friendly prince at Milan and herself held Naples and the Tuscan ports, intercourse between Vienna and Madrid lay at her mercy. It was perhaps consciousness of this weakness that determined the Emperor not to join in the almost universal acceptance of the *Second Treaty of Partition*, formally signed by William and Louis in March 1700:—

i. *The Archduke Charles* to have Spain and her Indies, and Spanish Netherlands (provided that he and his father accept this treaty).

ii. *The Dauphin* to have Naples, Sicily, the Tuscan Ports, Guipuzcoa, and the Milanese (which last, however, is to be exchanged for the duchy of Lorraine).

iii. Secret clauses for the amendment of the treaty in case the Hapsburgs refuse their compliance.

§ 4. "It was a great rage into which poor old Lord Strutt fell on hearing that his runaway servant, Nick Frog, his clothier, John Bull, and his old enemy, Lewis Baboon, had come to survey his estates and draw out his will for him." That was how Dr. Arbuthnot, in the pamphlet of 1713 which gave us the nickname of *John Bull*, described the impression that these partition treaties made in Spain itself. The natural and widespread irritation felt by the Spaniards that their monarchy should be thus dismembered by outsiders was dexterously fanned by the representative of the very Power which had first suggested a partition. The French envoy, Harcourt, managed to "retie the old bonds between France and Spain—crown to crown, people to people, man to man." On the other side stood the Queen, Leopold's sister-in-law, urging Charles to adhere to the old family alliance (cf. ch. i., § 25). Several things combined to turn the scale against the Germans,—Harcourt's conciliatory spirit, standing in marked contrast to the overbearing attitude of the Archduke; belief in the strength of France, disbelief in that of Austria, to maintain the territorial integrity of the monarchy; annoyance at William's supposed encouragement of the Darien scheme (ch. xiii., § 8; ch. xvii., § 7); above all, suspicions of the Protestant interest that was at the back of the Archduke (§ 15).

iii. Spanish Aspects, 1700.

Finally, by the advice of his minister Porto-Carrero and of the Pope, the wretched King revoked his previous wills in favour of Joseph and Leopold, and named the Duke of Anjou his sole heir. Within a month Charles died (November 1, 1700); and fifteen days later, after some hesitation, Louis threw over the treaty, which gave direct territorial gains to France, and accepted the will, which was a dynastic advantage for his house. "Henceforth," he thought, "there will be no Pyrenees."

The Death of Charles II., November 1, 1700.

§ 5. For a moment it seemed as though Louis was going to have things all his own way. The secret manner in which William had conducted the negotiations for a partition had added to his unpopularity in England (ch. xiii., §§ 10-13); and in April 1701, both the Maritime Powers, without whose aid

General Recognition of Philip V., November, 1700—April, 1701.

the Emperor could do nothing effective, were constrained to recognise Louis' grandson as Philip V. of Spain. But the occupation of the Dutch barrier towns by French troops in February (ch. xiii., § 7), taken in conjunction with Louis' daring announcement that Philip's renunciation of any claim to the French succession was null and void, began to open the eyes of even the more insular of the English.

The Grand Alliance, September 7, 1701.

Signs of the change were visible before the rising of that Parliament which had vented its spleen on William in the *Act of Settlement* (ch. xiii., §§ 12-14). The trade advantages which Spain conceded to France by the *Franco-Spanish Asiento Treaty* in August (cf. § 17, *sub* II., i.), alarmed the commercial instinct of England no less thoroughly than Louis' recognition of the titular Prince of Wales as "James III." roused their patriotic pride (ch. xiii., § 16). William therefore had his island kingdoms at his back when on September 7 he made them a party to his new *Grand Alliance* that was in course of construction, and when he got ready for a renewal of the war which had been suspended in 1697 (ch. xiii., § 7).

The Personality of the Earl of Marlborough.

The death of William III.* on March 19, 1702, increased rather than lessened the strength of the Alliance. It dissolved the personal connexion, but not the political co-operation, between the Maritime Powers: England was more united in its allegiance to a sovereign who, as Anne said in her opening speech, was "entirely English"; while the Dutch—no longer frightened by the bogey of a possible Orange despotism, but rather by the removal of the buffer territory between themselves and France—supported the Grand Pensionary Heinsius in his war-schemes with unwonted zeal. Besides, in the Earl of Marlborough the Grand Alliance quickly found that it had a better managing director than William had ever been. His tact and charm of manner enabled him to smooth down the ruffled plumage of factious cliques at home and of jealous allies abroad; while at the ripe age of fifty-two he commenced the decade of campaigns and battles which placed him in the front rank of the world's generals. So

* As William died without heirs, the Stadtholdership was again abolished—until danger again threatened from France in 1747 (cf. ch. ix., § 2, *n.*)—and his lands were disputed by many claimants (§ 17, sub I. v.).

well had he learned the art of war under Turenne in the seventies that, as Voltaire says, "he never besieged a fortress which he did not take, or fought a battle which he did not win."

The Weakness of the Grand Alliance.

§ 6. The personality of Marlborough, backed by the wealth of England and sheer weight of numbers, constituted the main strength of the Grand Alliance. Apart from him it was divided in purpose and weak in commanders. Each member was mostly intent on protecting its own territories (cf. ch. v., § 1), or if any of them did chance to take the aggressive it fought for its own hand; while the generals were, in the main, princely personages who were apt to wrangle for precedence, and, in Lord Wolseley's words, "to mistake the theatrical properties and stage-business of an army for real warfare." The Emperor Leopold, the nominal head of the Alliance, had by *the Peace of Carlowitz*, 1699, been freed for a time from the danger of a Turkish attack in the rear, and he had also been able to induce the Diet of the Empire to take up arms, or at least declare war, in his favour. Two of the princes he bound to a more hearty devotion to his cause with notable dignities: he confirmed the Duke of Brunswick-Lüneburg in the Electorate of Hannover, which had been conferred upon him in 1692; and in 1700 he gave to the Elector of Brandenburg a kingly title in respect of his duchy of Prussia, which lay without the Empire. But for all that the Emperor had little inherent strength of his own; while the conscious weakness of the Allies stood bewrayed in the mere modesty of their programme. They pledged themselves strictly to securing the restoration of a barrier for the United Provinces, the cession of the Milanese to Austria, and the exclusion of France from special commercial privileges in the Spanish Indies (§§ 5, 17).

The Strength of the Bourbons.

The Bourbons, on the other hand, were strong in their compactness and contiguity to one another, and in being directed throughout by the single will of Louis XIV. France was defended on the north by serried lines of fortresses, on the east by the stolid neutrality of Switzerland; thanks to her alliance with the

Wittelsbach Electors of Köln and Bavaria she had a road open to the heart of Germany (§§ 8, 9); and by means of her family alliance with the Duke of Savoy (§ 7) she could pour her troops across the Alps, dominate Italy, and thus both cover the communications between the Neapolitan and the Milanese possessions of Spain, and check the Austrian hankerings after territorial aggrandisement in the valley of the Po. So long as these conditions obtained, the Bourbon Powers were impregnable.

The Campaigns of 1702.

§ 7. Before the end of **1703**, however, the military and diplomatic activity of the Allies had radically transformed those conditions. On May 14, **1702**, England declared war against France, and Marlborough was despatched to the Low Countries—not, as in the previous year, as an auxiliary of the Dutch (ch. xiii., § 16), but as Generalissimo of the Netherlandish army of the Allies. He advanced up the valley of the Maas, capturing the fortresses of Venlo, Ruremonde and Liége, while a Prussian force threatened Köln by the occupation of Kaiserwerth. But elsewhere the French carried all before them. In North Italy Prince Eugene, a cadet of the House of Savoy, was driven from the Milanese, which in **1701** he had overrun on behalf of the Emperor; while Villars and Catinat outgeneralled Louis, Margrave of Baden, on the Middle Rhine.

The Campaigns of 1703.

In **1703** Marlborough—who had been created Duke as a reward for his work the year before—made a further move up the Maas by the capture of Huy, and then turning due east pushed across to the Rhine, taking Limburg on the way and Bonn when he got there. Thus surrounded, the Elector of Köln was compelled to abandon his territories to the Allies. But their success here would have been useless had the plans of the French farther south been shoved over the narrow margin which held them apart from their fulfilment. Eugene was being intercepted between two fires: Vendôme was pushing him up the Adige and over the Brenner Pass into Innsbruck; while the joint army of the Elector of Bavaria and Marshal Villars was threatening him from the Isar and the Inn. Eugene's army—the only obstacle between the French and Vienna—was saved partly by a

rising of the Tirolese against the invaders, and partly by the retreat of Vendôme to keep the Duke of Savoy in order.

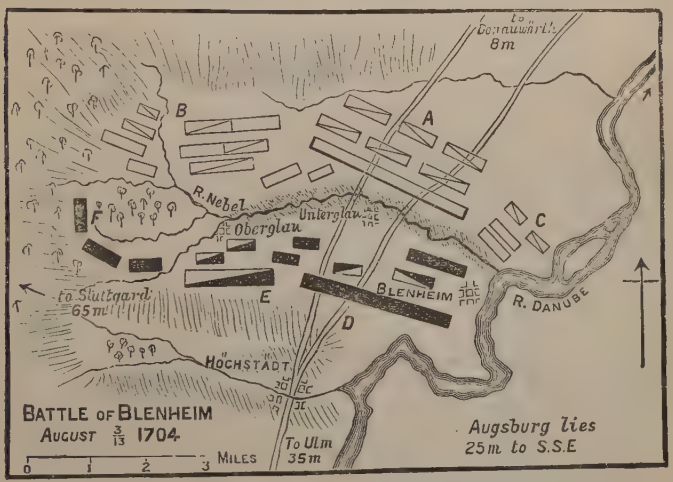
Savoy and Portugal join *the Grand Alliance*, 1703.

Victor Amadeus II. of Savoy vastly extended both the dominion and power of his border-duchy during his long rule (1675-1732) by selling himself to the highest bidder: "his geographical position forbade him to be a man of honour." Although he had married two daughters to two grandsons of Louis XIV. (§ 6; cf. Table, p. 296), he knew well enough that his independence would not be worth a year's purchase when Bourbons were once firmly planted on either side of him—in the Milanese as in France. In October 1703, therefore, he joined *the Grand Alliance*, on the understanding that he was to obtain from the Emperor a slice out of the Milanese (cf. § 17, *sub.* i., iii.). Two months later Portugal followed his example: it feared that France might now help Spain to re-impose the Spanish yoke which she had helped Portugal to cast off forty years before (1640-1665). Portugal also required to be bribed with territorial cessions—in the shape of certain Spanish lands to the west of the Rio de la Plata. Paul Methuen, the English minister at Lisbon, at the same time negotiated the commercial treaty which had the curious result of making port-wine supplant claret as the fashionable drink of the English gentry. The *Methuen Treaty* of May 16, 1703, arranged that English woollens were to be admitted to Portugal duty-free, and that the English import-dues upon Portuguese wines should always be one-third less than those on French wines.

Marlborough's Campaign, 1704. Battle of Blenheim, August 13.

§ 8. The accession of two Powers so well situated as Portugal and Savoy to the ranks of the Allies was bound to tell ultimately in their favour; but at the beginning of 1704 it seemed likely that the war would be ended before the added strength was brought into play. Austria lay completely isolated; and Vienna was threatened both from the east by the revolted Magyars under Ragoczy, and from the west by the united Franco-Bavarian army. As the Emperor would be almost obliged to abandon the war if his capital succumbed (cf. ch. ix., § 25), Marlborough saw that he must be saved at all costs. Partly to blind the

enemy, still more to avoid the persistent counsels of timidity that proceeded from his Dutch allies, Marlborough kept his daring scheme from all but Heinsius and Godolphin. Feigning a campaign on the Moselle or in Elsass, he drew the Dutch contingent with him as far as Mainz, and there left it to keep an eye on Villeroy, the French commander



Army of the Allies, 52,000.
[Losses, 11,000.]

HORSE, ▭ ; FOOT, ▭.

A = **Marlborough.**
B = Eugene.
C = Cutts.

Franco-Bavarian Army, 60,000.
[Losses, 40,000, including 14,000 prisoners.]

HORSE, ▬ ▭.

D = **Tallard.**
E = Marsin.
F = Elector of Bavaria.

NOTE.—*The distances marked are air-line distances from Blenheim.*

in the Netherlands, who had taken up his position at Trier. In the middle of June he himself threw off his mask, and pushing up the Neckar valley he threaded the Württemberg passes, and dropped down quickly to the Danube near Ulm. Early in July he joined Prince Louis of Baden in forcing the Bavarian Elector from his lines at Schellenberg, and after six weeks' marching and countermarching he and

his friend Eugene found themselves facing the joint Franco-Bavarian army near Höchstädt. The enemy was superior in numbers and artillery, and was posted in a strong position: none the less on August 13 Marlborough began the attack. Eugene on the right was unable to get at the Bavarians, but Marlborough himself, after a series of repulses from Blenheim, threw a heavy mixed force of cavalry and infantry across the Brook Nebel, smashed Tallard's centre, and compelled the 14,000 French troops occupying Blenheim to capitulate.

Fruits of Blenheim, 1704.

§ 9. The immediate result of such a decisive victory was to drive the French back pell-mell across the Rhine, to save Vienna from the possibility of capture, and to place Bavaria, Landau, Trier and Trarbach in the hands of the Allies. The Bavarian Elector shared the exile into which his brother of Köln had been driven the year before (§ 7). But the moral and political effects transcended even these military firstfruits. The French prestige, which rested on an almost undimmed success of fifty years, was destroyed at a blow; the Allies began to aim at something more than the mere partition which had hitherto been their programme (§ 6); and Marlborough's position at home was immensely strengthened (ch. xv., § 1). The High Tories had threatened to bring him to the block if he failed: now the nation gave him the park and palace near Woodstock that perpetuate the name of Blenheim.

English Operations in the Peninsula, 1702-4: Gibraltar.

No such reward was given to Sir George Rooke, who obtained the other great English success of the year—the seizure of Gibraltar (August 3)—and who showed his resentment at being ignored by retiring and leaving the command of the fleet to Sir John Leake and Sir Cloudesley Shovel. The operations of the Anglo-Dutch fleet around the Peninsula had begun in 1702 with Ormonde's bombardment of Cadiz and onslaught upon a large Spanish treasure-fleet in Vigo Bay, which resulted in the capture of some of the ships and the destruction of the remainder (October 12). But the standing jealousies between the two nations and the two services stood in the way of great achievements now as in Elizabeth's reign, and as in the Napoleonic war.

The hopes of using Lisbon as an effective base for the invasion of Spain were frustrated by Berwick's defeat of the Portuguese; and it was while the fleet was escorting the Archduke Charles round to the eastern coast that Gibraltar was incidentally surprised. Though professedly engaged in winning Spain for Charles, Rooke persisted in hoisting the English flag on the rock (cf. § 17, *sub.* II., i.).

§ 10. Spain was the principal theatre of war in 1705. Leake inflicted two crushing defeats on the French fleet under the Count of Toulouse—one off Malaga, the other in the neighbourhood and for the protection of Gibraltar. Later in the year he assisted in the capture of Barcelona, though the main credit of that exploit must be given to Charles Mordaunt, the highly gifted and eccentric Earl of Peterborough. On the strength of this success, the Archduke Charles was accepted as "King Charles III." by the inhabitants of Aragon, Catalonia, and Valencia—three sometime states which had never come to acknowledge cheerfully the predominance of Castile in the united kingdom into which they had been merged (vol. II., Intro., § 13).

Peterborough's Capture of Barcelona, October 1705.

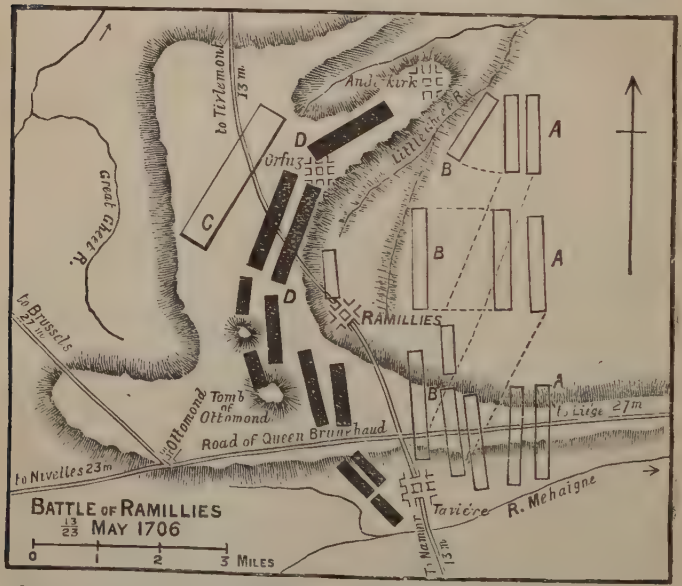
Meanwhile, in accordance with the forward policy of the new Emperor, Joseph I. (Table, p. 296), Marlborough projected an invasion of France by the valley of the Moselle. But Louis of Baden, his intended coadjutor, hung back; and even if the scheme had been carried out it would have met with an unexpected obstacle, in the shape of the army which had been set free by the accomplishment of its work in the heart of France. Villars, its commander, had successfully put down the Huguenots of the Cevennes, who, under the name of *Camissards* and the leadership of Cavalier, had risen in revolt against religious oppression two years before (cf. ch. xi., § 1). Marlborough had to content himself with relieving Liége, which had been invested by Villeroy, and with making an advance towards Brussels. He counted upon winning a greater victory than Blenheim, but was again thwarted by his Allies—this time the Dutch.

Marlborough's Projects and Performances, 1705.

§ 11. In 1706 Marlborough realized his desire for another pitched battle. On May 23 he came upon Villeroy at the little

village of Ramillies, in Brabant. As at Blenheim, the French took up a position on high ground behind a marsh. Their line formed an arc of which Marlborough's forces formed the chord; and, taking advantage of the shorter ground he had in conse-

Battle of Ramillies, May 23, 1706.



Army of the Allies, under **Marlborough**,
[Loss, 2500 out of 75,000.]

French Army, under **Villeroy** and the **Elector of Bavaria**,
[Loss, 20,000 out of 80,000.]

A = First Position (before battle).
B = Second Position (fighting).
C = Third Position (victorious).

D = Villeroy.

NOTE.—*The distances are air-line distances from Ramillies.*

quence to traverse, he moved his troops—under cover of feints all along the line—to his left, overwhelmed the French right, and drove them headlong through their comrades into Brussels. Marlborough was at their heels: in a short time he entered that city—the capital of the Spanish Netherlands—and there proclaimed "Charles III."

The surrender of Ghent, Bruges, Ostend, and Antwerp followed in rapid succession. By the end of the campaign Mons and Namur were the only Netherlandish strongholds remaining to Spain.

Successes of Eugene and Galway, 1706.

Marlborough's victory affected even Italy. Vendôme was withdrawn to replace Villeroy, and in his absence Eugene routed the French commanders, Marsin and the Duke of Orleans, and saved Turin. One of the results of his great victory at Casale was that an Austrian force entered Naples, and there proclaimed "Charles III." (October). A similar success crowned the arms of the Allies in Spain. In the spring Barcelona was hard pressed by land and sea, but was relieved by an English squadron under Leake. Peterborough then marched up country with his German allies, and joined the troops from the west, who, under Ruvigny, the Huguenot Earl of Galway, had occupied Madrid. There, in June 1706, "Charles III." was proclaimed king, as at Brussels about the same time, and at Naples a few months later; and these three cities were the capitals of the three chief Spanish territories in Europe.

Louis' First Overtures for Peace, 1706.

This triple triumph caused the year 1706 to be regarded as the *annus mirabilis* of the Allies (cf. ch. viii., § 8), and compelled Louis, in the following winter, to sue for peace. He offered to surrender Spain and the Indies to Charles, the "barrier" fortresses to the Dutch (§ 19), retaining for Philip V. a kingdom consisting of Milan and the two Sicilies. But Louis had proved himself a faithless negotiator; and neither Marlborough nor the Emperor was disposed to accept these terms. The preliminaries thus fell through, and such an opportunity did not occur again to the Allies.

Berwick's Victory at Almanza, April 25, 1707.

§ 12. Even before this passage of diplomacy the tide of victory had begun to turn. Within three months after leaving Madrid as a fugitive (§ 11), Philip V. re-entered it in triumph. He was now enthusiastically aided by the Castilians, who, characteristically enough, did not begin to fight till they were beaten. On April 25, 1707, fresh French troops, under the Englishman Berwick, routed the Allies under

Galway, a French refugee, at Almanza. Charles was hurled back into Catalonia, and the fruits of the previous campaign were lost.

Various Reverses for the Allies, 1707.

Ill-success, in a somewhat less degree, attended the Allies everywhere in 1707. Eugene's invasion of Provence was beaten back from Toulon by sickness and Marshal Tessé. Villars drove the Margrave of Bayreuth—who had succeeded the late Louis of Baden—from the lines of Stolhofen (near Strassburg), and destroyed them. Marlborough tried in vain to force on a battle in Flanders. But he did an enormous service for the Allies in diverting Charles XII. of Sweden—a brilliant warrior flushed with triumph over defeats of Denmark, Russia, and Poland—from a threatened alliance with France, to meet his ruin from Tzar Peter the Great on the field of Pultawa (1709).

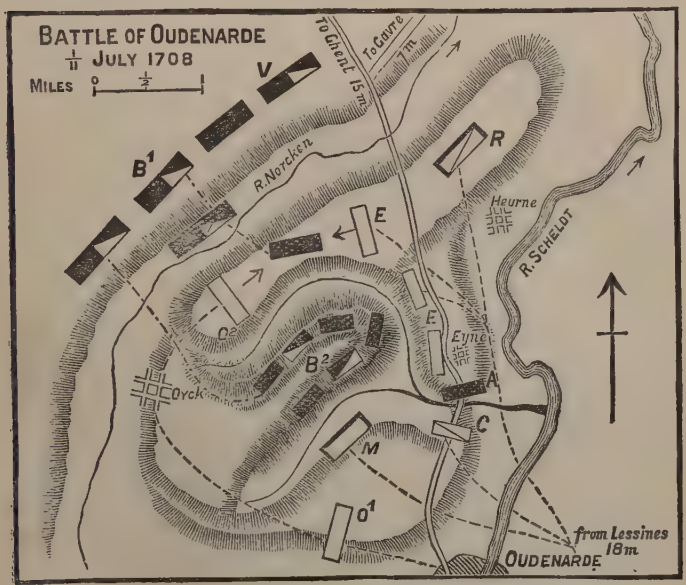
§ 13. Marlborough's campaign began somewhat late in the following year. He lingered in England to meet the expected Jacobite invasion of Scotland—which was at the time almost denuded of troops, and seething with patriotic discontent at the recent Anglo-Scottish Legislative Union (ch. xv., § 6). But the Chevalier de S. George (ch. xiii., § 16) had an attack of measles, which delayed the expedition; and when he was at length able to set sail, Admiral Byng barred his way, and ample preparations had been made to face him should he disembark. In March, James appeared in the Forth, and then quietly returned to his starting-place, Dunkirk.

French Jacobite Expedition to Scotland, 1708.

Marlborough thereupon crossed to the Continent to find the Dukes of Burgundy and Vendôme being admitted to the disaffected towns won from France in 1706 (§ 11). Ghent and Bruges were already in the enemy's hands; and to prevent the important fortress of Oudenarde—which covered them—falling also, Marlborough pushed on without waiting for Prince Eugene's army of the Moselle, crossed the Scheldt, and, on July 11, forced a battle immediately to the north-west of the town. The disparity of numbers—80,000 against the French 100,000—was more than balanced by the jealousy of the two French commanders. They gave contradictory orders, and thus not only missed a great chance

Battle of Oudenarde, July 11, 1708.

of breaking Marlborough's line in two, but let their position be outflanked and a large body of troops be surrounded. In this straggling afternoon struggle the French lost 3000 killed and 6000 prisoners, against the Allies' loss of 2000. "It was not a great battle," says Voltaire, "but a fatal retreat."



Army of the Allies, under Marlborough,

30,000 [not all in action] marching from Lessines, in direction shown.

Lines of Advance, thus ----------

French Army, under Burgundy and Vendôme,

100,000 [not all in action] marching from Alost and Gavre.

Lines of Advance, thus ----------

FIRST ACTION: C = Cadogan's cavalry which overwhelms Vendôme's advance corps, A

SECOND ACTION.

M = Marlborough with the centre.
O = Overkirk with the Dutch.
E = Eugene with the right.
} surrounding Burgundy in his second position, B^2.

B^1 = Burgundy's first position.

R = English cavalry keeping Vendôme [V] in his original position.

When O's troops reach O^2 they fire on E by mistake, and allow many of Burgundy's troops to escape south-west to Lille, while Vendôme retreats to Ghent.

Capture of Lille and Port Mahon, 1708.

Eugene, who had been serving as a volunteer during the battle, now brought up his army, and helped to force Boufflers to surrender successively the town (October) and the citadel (December 9) of the great French fortress Lille. Marlborough himself would have preferred, now that the Allies had broken French ground, to make a dash for Paris: a flying column of Dutch cavalry had proved the feasibility of such an advance by penetrating as far as Versailles. The capture of Lille was, however, a great step towards such an advance next year. Elsewhere the war was dull. Generals Stanhope and Staremberg, aided by Leake's squadron, occupied the islands of Sardinia and Minorca. Port Mahon, a harbour in the latter island, was then considered a better naval station for the English Mediterranean fleet than Gibraltar.

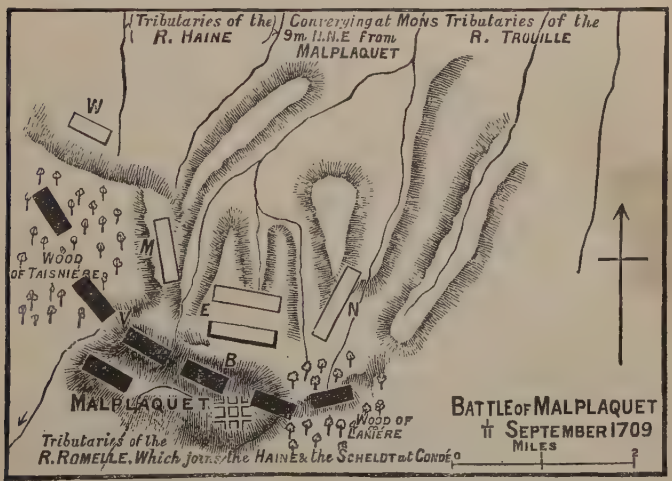
Louis' Second Overtures for Peace, May 1709.

§ 14. The nearness of the Allies to the French capital, the exhaustion of French resources, and the murmurs of a starving nation—even Madame de Maintenon was eating oaten bread—called to Louis imperatively for peace; and in the spring of 1709 he sent Torcy to get what terms he could from "the Triumvirate." In vain: Prince Eugene and Marlborough derived their importance from the war; while, as Voltaire puts it, "Heinsius, governed by them, regarded himself as a Spartan humbling a King of Persia." Besides, they distrusted the sincerity of Louis' concessions. Louis was prepared to surrender all French acquisitions made since *the Peace of Westfalia*, 1648 (ch. v., § 14 *n.*), and to concur in the consignment of a number of Netherlandish towns to the Dutch as a "barrier"—such as Great Britain guaranteed to the States-General during the course of the year (§ 19)—and in the exclusion of the Bourbons from all part or lot in the Spanish monarchy. Not content with all this, the Triumvirate demanded, in return for a mere truce, that Louis should himself assist the Allies in expelling Philip from Spain. "If I must wage war," exclaimed Louis to his weeping Council, "I had rather wage it against my enemies than against my own children!"

A circular-letter, taking his people into his confidence, revived the national idolatry for the aged monarch;

Louis and his Notables sent their plate to the Mint; and Villars, the only French general who had met with no great disaster, was put at the head of 70,000 French troops in Flanders. There the Allies had taken Tournay, and were threatening Mons. Marlborough and Eugene now led a joint force of 80,000 to attack Villars as he advanced to relieve it. On September 11 the Allies found Villars strongly posted on a palisaded hill round the village of Malplaquet—to the

Battle of Malplaquet, September 11, 1709.



Army of the Allies, under **Marlborough.**
[Loss, 21,000 out of 80,000.]
W = Withers } Right.
M = Marlborough }
E = Eugene Centre.
N = Nassau Left.

French Army, under **Villars.**
[Loss, 8000 out of 70,000.]
B = Boufflers, who retreats west to Valenciennes, when Villars is wounded.
V = Villars.

south-west of Mons—with his flanks sheltered by woods. Marlborough massed his troops on Villars' weakened centre, and won the field. The Allies won little else: their losses numbered 21,000, against the French 10,000; Boufflers took the command on his chief's disablement, and marched off in good order; and only Mons rewarded the victors.

§ 15. This disaster compelled Louis to open negotiations for a third time, and in the spring of 1710 a conference was held at Gertruydenburg, a village near the mouth of the Waal. Louis declined, as before (§ 14), to bear arms against his grandson, but he was now willing to pay a subsidy in support of the troops which the Allies should employ for that purpose. Puffed up with success, the Emperor and the Duke of Savoy made still more extravagant demands, and broke up the Conference (cf. § 17).

Conference of Gertruydenburg. March—July 1710.

Victorious as he was, and backed by an united Ministry at home (ch. xv., § 7), Marlborough felt his position insecure. In 1709—the very year of his apparent triumph—he made a double attempt to attain a permanency. He asked the Archduke Charles for the post of Governor of the Low Countries, Anne for that of Captain-General for life: in both quests he met with a rebuff. His campaign in 1710 resulted only in the capture of Douay, and a few other frontier towns.

Marlborough's Position, 1709—1710.

In Spain, Charles again entered Madrid (cf. § 11). On his way up his generals, Stanhope and Staremberg, won the battles of Almenara and Zaragoza (July). The two commanders found it necessary, as before, to evacuate the capital, and to retreat in parallel columns. Vendôme came up with Stanhope at Brihuega, in the upper basin of the Tagus. There on December 9 he forced him to capitulate with 5000 men, and next day he inflicted what was practically a repulse on Staremberg at Villa Viciosa. These reverses put an end to Charles's chance of becoming, as his enemies sneered, "His Most Catholic Majesty by the help of the heretics" (cf. § 4).

The War in Spain, 1710.

§ 16. The Franco-Spanish victories of December 1710, marked the turn of the tide. More important still for the French was the fall of the Whig Ministry in the previous August, and its replacement by a Tory Ministry under Harley, which was quick to give practical expression to the prevailing English weariness of the war (ch. xv., § 8). The carnage of Malplaquet (§ 14) intensified national disgust at the military expenditure. "The High Allies have been the ruin of us!" cried Swift; and his cry was echoed by a crowd of Tory pamphleteers.

British and Continental Causes making for Peace, 1711.

Moreover, the death of the Emperor Joseph in April 1711, after a reign of but six years, changed the whole aspect of the war. His brother, the Archduke Charles (Table, p. 296), succeeded him in the possession of the hereditary states—to the exclusion of Joseph's daughters—and was also elected Emperor. It was obviously absurd that the Allies should continue a war undertaken to preserve the balance of power, simply in order to pile the Pelion of the Spanish monarchy on the Ossa of the Austrian territories. Better to leave Spain with a Bourbon who was otherwise a nobody, and who by the recent birth of an heir to his elder brother was removed a step farther from the French crown that he had formally renounced, than with a Hapsburg who held the throne of Augustus and the power of an Austrian archduke.

Marlborough's last Campaign and Dismissal, 1711.

Besides all these diplomatic considerations there were purely British circumstances that made for peace. Many of the Tories were leaning Stuartward, and a restoration was possible only with the aid of France (ch. xv., § 9). Consequently, early in 1711 the Abbé Gaultier—who had previously undertaken a little Jacobite intriguing for Harley—was sent to ask if France wished for peace. "*C'était demander à un mourant s'il voulait guérir*," remarked Torcy; and before the end of the year he and St. John had arranged the preliminaries of peace. England showed the same characteristic prudence in being the first to back out of the war as in being the last to enter upon it. The British Ministry proved the sincerity of its desire for peace by its conduct of the war. In 1711 it gave Marlborough so little support that, instead of fulfilling his dream of invading France, he could do nothing but break through Villars' strong lines and capture Bouchain in September. On his return home he was compelled to retire from office (ch. xv., § 8); and his successor, the Jacobite Duke of Ormonde, hinted to the French General that he need not expect active hostilities. He withdrew his troops from the imperial army under Eugene, who soon afterwards laid siege to Landrecies, but received a severe check from Villars at Denain (July 1712).

§ 17. Meanwhile, since January 1712, a general diplomatic congress was in session at Utrecht. Here Great

Britain took the lead, and in May concluded a truce with France. The United Provinces held aloof until the series of successful sieges conducted by Villars after his victory of Denain (§ 16) brought them to their senses. The hard terms which the Allies had lately exacted were dropped below the level of those which Louis had offered, and Philip of Anjou was given his choice between taking Spanish Italy, with the right of succession in France, or Spain and the Indies, without that right. He chose the latter; and it was on that basis that the Bourbon kings signed a bundle of treaties at Utrecht, mainly in the spring and summer of 1713:—

French and Spanish *Treaties of Utrecht*, Apr.—Aug., 1713.

I. French Treaties of Utrecht, April 11-13, 1713.

i. *Great Britain* (April 11, 1713): France (*a*) confirms the renunciations recently made by Philip V. (of contingent claims to the French crown), and by his brothers (of the contingent claims to the Spanish crown); (*b*) recognises the Hannoverian succession as arranged by the British Parliament, and engages not to countenance the Stuart claimants; (*c*) promises to dismantle Dunkirk; (*d*) cedes St. Kitts, the Hudson's Bay territories, Nova Scotia or Acadie—"according to the ancient limits"—and Newfoundland (subject to certain French rights to use parts of the coast for fishing, etc.); (*e*) engages to accept no special commercial advantages with Spain and the Spanish Indies; (*f*) gives up the claim to seize any neutral vessel which carries any kind of property belonging to a hostile power.

ii. *United Provinces* (April 11): France (*a*) hands over to the States-General, to hold until they can arrange a barrier agreement with Austria, the Spanish Netherlands, together with some contiguous districts in French Flanders [Map, p. 254], and (*b*) engages to induce the Elector of Bavaria to surrender the rights over the Spanish Netherlands granted to him by Philip V. in 1712 [cf. § 18, *sub.* III., i.].

iii. *Savoy*: France (*a*) restores his lands to the Duke of Savoy, and agrees to regard the summit of the Alps as the boundary; (*b*) recognises the Duke as King of Sicily [compulsorily exchanged with the Emperor for Sardinia by the *Quadruple Alliance*, 1718]; (*c*) confirms the territorial cessions which the Emperor Leopold had made to Savoy in 1703 [§ 7]; (*d*) accepts the Duke's heirs male as the lawful successors to Spain, should Philip's family become extinct.

iv. *Portugal*: settles boundaries between the Portuguese territories north of the Amazon and the French colony of Cayenne in Guayana, and prohibits inter-colonial trade between the two.

v. *Prussia*: France (*a*) recognises the Elector of Brandenburg as King of Prussia [cf. § 6]; (*b*) cedes, on behalf of Spain, Upper Gelderland, and, on its own behalf, the county of Neufchâtel, to Prussia; while (*c*) Frederick I. of Prussia renounces his claim to the principality of Orange [cf. § 5*n.*].

II. SPANISH TREATIES OF UTRECHT, July 1713—February 1715.

i. *Great Britain* (July 13, 1713): Spain (*a*) confirms the dynastic and commercial arrangements of the Franco-British treaty; (*b*) cedes Gibraltar and Minorca (with the proviso that Moors are not to be allowed to settle in either place); (*c*) engages not to alienate any of her South American lands to France or any other European Power; (*d*) confirms the recent Anglo-Spanish Asiento treaties, by which the exclusive right of importing negroes into the Spanish Indies had been transferred from France to Britain, and confers upon the British Asientists the additional right of sending one ship of 500 tons yearly to trade with Spanish America [ctr. ch. vii., § 3 *n.*].

ii. *Treaties with Savoy, Portugal, and the United Provinces* on much the same lines as the French treaties with those states.

§ 18. Some months before the last of the Franco-Spanish batch of treaties had been signed, in the spring of **1715**, the Emperor and his train of princes had been brought to terms. The Franco-Dutch treaty had moved the main seat of war from the Netherlands to the mid-Rhine; and there in a short campaign Villars took Landau and Freiburg in the teeth of Eugene's opposition, and bade fair to menace Vienna from Bavaria, as in **1703-4** (§§ 7, 8). Accordingly in November **1713** the two generals were empowered to enter into the negotiations which resulted in the *Treaty of Rastadt* (March 6, **1714**), between Louis XIV. and Charles VI., and the definitive *Treaty of Baden*,* to which the whole Empire acceded:—

Franco-Imperial *Treaties of Rastadt and Baden*, 1714.

III. FRANCO-IMPERIAL TREATY OF BADEN, September 7, 1714, on the basis of the treaties of Westfalia, Nymwegen, and Ryswick.

i. *As regards the Empire*: (1) France retains Landau but withdraws to the left bank of the Rhine, the navigation of which is to be equally open to both French and Imperial subjects; (2) France recognises the new Electorate of Hannover [§ 6]; (3) The Emperor engages to restore several princes to their lost dignities and lands, as at Ryswick—especially the Wittelsbach electors of Köln and of Bavaria: the latter acquires the Upper Palatinate instead of the Kingdom of Sardinia reserved for him by the Utrecht treaties [*sub.* I.].

ii. *As regards the Emperor*: (1) France engages to leave Austria undisturbed in the Spanish possessions which it holds in Italy (the Kingdom of Naples, the Duchy of Milan, the Sardinian and the Tuscan ports), provided that Austria leaves other Italian princes alone; (2) France allows Austria to annex the Spanish Netherlands and part of the French Netherlands subject, as provided at Utrecht, to an Austro-Dutch barrier arrangement [§ 17, *sub.* I., ii.].

* Not the well-known Baden-Baden, near which stands Rastadt, but Baden in Aargau, Switzerland, near the junction of the rivers Aar and Reuss.

§ 19. Queen Anne had died about a month before this treaty was signed (ch. xv., § 11), and Louis XIV. did not live to see the barrier bargain completed. He passed away on September 1, 1715, and the last of the treaties commonly included in "the Peace of Utrecht" was not signed till full two months later. The *Third Barrier Treaty* was far less favourable to the Dutch than the two former treaties arranged on the subject between the two Sea Powers *:—

Third Barrier Treaty: Antwerp, Nov. 15, 1715.

IV. The Austro-Dutch Barrier Treaty, Antwerp, November 15, 1715, under the mediation and guarantee of Great Britain.

i. *Barrier towns* to be garrisoned by Dutch troops commanded by Dutch officers, but paid by Austria: Furnes, Fort Knock, Ypres, Warneton, Menin, Tournay, and Namur.

ii. Elaborate provisions to secure (*a*) the fidelity of these garrisons to Austrian interests; (*b*) the impossibility of the alienation of the Austrian Netherlands to France or any other Power.

iii. Commercial privileges to be equal for British and Dutch subjects, and—until otherwise arranged—to remain *in statu quo*.

§ 20. The *Peace of Utrecht* practically brought to a close, but did not settle the eponymous cause of, the War of the Spanish Succession. Alone of the many combatants, the two claimants of the Spanish dominions had failed to come to terms: not till 1725 did Charles VI. recognise Philip V. as King of Spain, nor Philip acquiesce in the dismemberment of the Spanish dominions upon the lines that the rest of Europe had laid down ten years before. The Sea Powers and France agreed in leaving the rival candidates to squabble—they were too helpless to fight—and did the best for themselves and for those for whom it was politically profitable to do anything. The Cevennese and the Catalans, who had both done yeoman's service for the Allies (§ § 10, 11), were tacitly dropped: Great Britain obtained only an unsecured and vague promise of gentleness towards the latter from Philip V., but when she asked for religious toleration in the Cevennes, the French diplomatists said she had better set the example in Ireland (ch. xvi., § 18). The States-General, the Duke of Savoy,

The Peace of Utrecht, 1713-5: i. Continental Aspects.

* By *the First Barrier Treaty*, October 1709, Great Britain pledged itself to secure twenty fortresses on the Franco-Netherlands frontier to be garrisoned by the Dutch at the expense of the surrounding districts; by *the Second Barrier Treaty*, January 1713, the guarantee was renewed, with a restriction in the number of towns; and in this *Third Treaty* the number was still further curtailed (see Map, p. 254).

and Prussia obtained enough to keep them quiet. Above all things, the Bourbons secured the bulk of the Spanish inheritance. After a brief family quarrel (1715-1729), they began to work hand-in-hand; and the various checks upon them invented by the British Tory Ministry proved worthless.

ii. British Aspects.

The *Peace of Utrecht* said little about religion: its signatories, like the man in the story, simply jerked their thumbs over their shoulders, and pointing at the *Peace of Westfalia*, said, "Them's our sentiments!" Commercial provisions, on the other hand, loom large in all the treaties (cf. Intro., § 13); and it was here that Britain found her great compensation for the war which had cost her so many lives and so much treasure. The war had run the National Debt up to £34,000,000 (cf. ch. xiii., § 8). Though Englishmen groaned under this load of debt already incurred, and grumbled at the cost of maintaining the treaties, and though they did not realise at all what a rich investment they had made, Great Britain was the only Power that gained all for which it went to war. It had secured its "Protestant Succession." It had bolstered up the trade of the Thames by the closing of the Scheldt. It had kept France out of the Spanish trade monopoly. It had obtained a firm footing in the Mediterranean by the acquisition from Spain of Gibraltar and, better still, Minorca, or, as men then called it, Port Mahon. It had extorted from France several North American territories which had long been disputed between the two countries (§ 17, *sub.* I., i.; ch. xvii., § 4); and though General Hill's attempt on Canada in 1711 had failed, the nett result of the war had been to restore the balance of power in that Continent. Finally, it had out-distanced the Dutch, its political allies but commercial rivals, by obtaining the lucrative monopoly of the Spanish slave-trade and limited privileges of general traffic with the Spanish Indies. Thanks to endless cheating and chicanery, British merchants contrived to make these privileges as profitable and (if tried by later moral standards) as iniquitous as the slave-trade itself. All these commercial and colonial acquisitions were destined to cause almost constant friction in the coming years between the Bourbon Powers and Great Britain.

CHAPTER XV.

HOME AFFAIRS UNDER QUEEN ANNE.

March 8, 1702—August 1, 1714.

§ 1. Party Aspects and Periods of Anne's Reign ; the Duke and Duchess of Marlborough ; Anne's First Administration, 1702—1704 ; the Elimination of the Extreme Tories, 1703—1704.—§ 2. Anglican High-Churchism, 1703 ; *Queen Anne's Bounty*, 1704.—§ 3. *The Occasional Conformity Bill*, and *the Aylesbury Election Case* in the Second, Third, and Fourth Parliaments, November 1702—March 1705.—§ 4. Whig Tendencies in the Fifth Parliament and in the Administration. 1705—1706.—§ 5. Unsuccessful Essays towards an Anglo-Scottish Union, 1702—1705 : the Scots *Limitations*, 1703, and *Act of Security*, 1704, and the English Retort, *the Alien Bill*, 1705.—§ 6. The Terms of the Anglo-Scottish Legislative Union, May 1, 1707.—§ 7. Harley's Intrigues bring about the Elimination of the Moderate Tories from the Ministry, 1708.—§ 8. Trial and Acquittal of Dr. Sacheverell, March 1710, and Growing Distaste for the War, 1709—1710 ; Dismissal of Godolphin and his Whigs, June—August 1710, of Marlborough, December 1711.—§ 9. The Doings of the Harley-Saint-John Tory Ministry : the Negotiations culminating in the *Treaties of Utrecht*, 1711—1713.—§ 10. *The Occasional Conformity Act*, etc., 1711 ; *the Schism Act*, 1714.—§ 11. The Succession Question and the Split between the Earls of Oxford and Bolingbroke, July 27 ; the Death of Queen Anne, August 1, 1714.

§ 1. Marlborough towers above every one during the first two-thirds of Queen Anne's reign, not only abroad but also at home (ch. xiv., § 5). Over and above his military and diplomatic work, he had to keep a constant eye upon the course of ministerial and parliamentary politics : as Wellington, upon whom devolved the same combination of tasks, said, "he was himself the Government." Through his wife, the beautiful and imperious Sarah Jennings, he had the ear of the Queen and dominated the Court : in the familiar intercourse of the two women, Anne was "Mrs. Morley," while the Duchess took a name which happily suggests her independent frankness—"Mrs. Freeman" (cf. ch. xi., § 7 ; ch. xii., § 12). Meanwhile Godolphin, who was bound to him by family ties

Party Aspects and Periods of Anne's Reign.

(§ 4), was at the head of the Government as Lord High Treasurer. Godolphin's dismissal in 1710 (§ 8) forms the main divide in the ministerial history of the period: it marks the point at which men's minds wander from the comparatively remote matter of the Spanish Succession to the English Succession, which touched them nearer (cf. ch. xiii., §§ 12, 13). But his own Ministry passes through three distinct phases, characterised by changes made in order to secure a strenuous prosecution of the war: first the extreme Tories, then the moderate Tories, are eliminated from office (§§ 1, 4, 7), and for two years (1708—1710) Godolphin is backed by a solid Whig Administration, which is supplanted by an equally solid Tory Ministry (§§ 8-10). From this point of view, therefore, Anne's reign recalls that of William in illustrating the failure of a mixed Ministry and the necessary adoption of one constituted upon a party basis (cf. ch. xiii., §§ 1, 2).

Anne's First Group of Ministers, 1702—1704.

In accordance with the special Act of 1696, William III.'s last Parliament continued in session for some four months after his death (ch. xiii., § 5), to complete the *Abjuration Bill* and to add yet another 5 per cent. to the Old Subsidy in support of the war that commenced in May (ch. xiii., §§ 9, 16; ch. xiv., § 7). But while the Whigs retained their majority in Parliament, they almost vanished from the Ministry, the Duke of Devonshire being the chief survivor. The more thorough-going Tories, however, quickly went the way of their Whig analogues: in 1703 Rochester, the Queen's uncle, resigned his Irish viceroyalty in a huff; in May 1704 Nottingham was dismissed from his Secretaryship; and his followers, Jersey and Seymour, shared his fall. Moderate Tories replaced them: Harley was made Secretary of State, and acted as the chief ministerial mouthpiece in the House of Commons, while Henry St. John received the unimportant, but profitable office of Secretary *at* War.*

* The Secretary *of State* for War was not invented till 1794. At this time—until the institution of a Scottish Secretaryship, 1707-1746—there were only two *Secretaries of State*. The *Southern Department* dealt with France, Switzerland, Italy, Spain, Portugal, Turkey; the *Northern Department* dealt with the Netherlands, Germany, Sweden, Poland, Russia. Both Departments handled Home Affairs. In 1782 a more convenient division of labour was made: the former became the *Home Office*, the latter became the *Foreign Office*.

§ 2. When Nottingham raised the cry "the Church in danger," he was thought to be simply trying to divert attention from the most pressing question of the day—the war on behalf of our commerce and of the king of our choice. In point of fact he was only giving play to that taste for ecclesiastical affairs which he had shown in his draughtsmanship of **1689** (ch. xii., § 6). *The Toleration Act*, if it did not cause Protestant Nonconformity to thrive, at least let it walk abroad more openly; and about **1703** those who were bent on checking this seeming growth began to be known as the "High Church" party. The essential idea of High-Churchism is that a true church is no mere aggregate of individuals clubbing together for mutual convenience, but is a divine society. In the Anglican communion, the High-Church section has always been that which approves the church-ideals of Laud (ch. iii., §§ 5, 6). Circumstances rather than principles have usually prevented it from looking askance upon Laud's compulsory methods: hence its political aspect has been the championship of the Church as "by law established" and an attitude of contemptuous hostility towards Dissenters.

Anglican High-Churchism, 1703—1704.

Anne herself shared these sentiments, and in **1704** gave a solid proof of her affection for the Church by surrendering, with the assent of Parliament, the ecclesiastical first-fruits and tithes which had been annexed to the Crown in **1534** and **1559** (vol. II., ch. iii., § 12, reff.). The surrendered funds were vested in trustees for the relief of the poorer clergy, and have ever since been known as *Queen Anne's Bounty*.

§ 3. Meanwhile Parliaments were squabbling over the sectarian side of the High-Church programme. In November **1703** St. John introduced into the Commons a measure designed to put a stop to the practice of *Occasional Conformity*, whereby Dissenters had evaded the conditions laid down in the *Test Act* of **1673** and suchlike Acts (ch. ix., § 4). They proposed to enact that any one who attended a dissenting meeting-house, after having taken the Sacrament and test for offices of trust, or the magistracy of corporations, should be immediately dismissed and heavily fined. This *Occasional Conformity Bill* was carried in the Commons, but—despite

The Occasional Conformity Bill, 1702—1705.

the Queen's influence—was rejected by the Whig majority in the Lords (ctr. § 10).

The Aylesbury Election Case, 1708—1705.

A similar fate awaited the Bill in the third Parliament (November 9, 1703—April 3, 1704). The Commons were furious, and seized on an alleged breach of privilege to quarrel with the Lords. In the *Aylesbury Election Case** the Commons sought to extend their Privilege of deciding contested elections to settle a disputed claim to vote (ch. i., § 10); and the Judges not only supported them in this contention, but refused to grant a writ of *Habeas Corpus* in favour of the Aylesbury men whom the Commons had put under arrest for disobeying the orders of the House. The Lords, before whom the case was brought on appeal, annoyed the Commons by insisting that the right to vote was a purely legal question which, like any other dispute about property, lay within the cognisance of the ordinary law-courts. The two Houses developed so much acrimony that in April 1704 Parliament had to be prorogued.

In revenge for a third rejection of the *Occasional Conformity Bill* by the Lords in the fourth Parliament (October 29, 1704—March 14, 1705), the Aylesbury question was again raised, in so contentious a manner that Parliament had again to be prorogued and dissolved. The question was left undecided, but it seems clear that the Commons were wrong in denying that the right of voting might be determined at common law, and in claiming for themselves the *exclusive* privilege of deciding such cases; while by their conduct in keeping the burgesses who stood out for their rights in prison without trial, they were merely claiming for themselves a power of arbitrary detention similar to that which they had denied to the King in 1628 and 1679 (ch. ii., §§ 6-8; ch. ix., § 15).

* "*The Aylesbury Election Case*" is a general term covering the *Case of Ashby* v. *White*, and the similar *Case of the Aylesbury Men*, which arose in 1704. William White and the returning officers of Aylesbury—a notoriously corrupt borough—had rejected the votes of Matthew Ashby and other burgesses: the latter, having failed to obtain redress from the Court of Queen's Bench, brought their grievance by writ of error before the House of Lords, who overruled the Judges' contention that decision of the right to vote was part of the Commons' Privilege of dealing with contested elections (see reff., p. 32, *n.*). The Commons resolved that nowhere but before themselves was the qualification of an elector cognisable. The Upper House retorted with protests against the Lower House's arrogation of new privileges, and against the prolonged detention of Ashby in Newgate by the Commons.

Whig Majority in the Fifth Parliament, 1705—1706.

§ 4. Nottingham and his Tory following had proposed to force the *Occasional Conformity Bill* through the Upper House by their old expedient of "tacking" (cf. ch. xiii., § 11), and had also been somewhat niggardly in their recognition of Marlborough's services at Blenheim and elsewhere (ch. xiv., §§ 8, 9). The country showed its disapproval of the *Tackers* in the ensuing elections. The strong Whig majority in the fifth Parliament strengthened the Government not only by the hearty support of its war-policy, but also by repealing the tiresome restrictions laid upon the administration in the fourth and sixth sub-clauses of the *Act of Settlement* (ch. xiii., §§ 13, 14). In the same session also the statutory succession laid down in that Act was strengthened by a *Regency Act*, which provided that, if the heir should be absent at the time of Queen Anne's death, the government should be carried on under a Council of Regency nominated beforehand by Sophia or her son.

Marlborough's Whig Tendencies.

Marlborough was not slow to put himself into touch with this Whig movement. He had married one daughter to Godolphin's son: he now married another to the younger Sunderland, and thus proceeded from discarding the extreme Tories (§ 1) to the further step of allying himself more closely to the Whigs. Sunderland was sent on an important embassy to Vienna in 1705, and made Secretary of State next year. Marlborough was already making overtures to the Junto (ch. xiii., § 1), and hoping, with this coalition of Whig and Tory, to be actively supported in carrying on the war.

The Need and Difficulties of Anglo-Scottish Legislative Union.

(1706—1708)

§ 5. The most signal achievement of what has been called "the Composite Ministry" was that adjustment of the relations between the two British kingdoms which has endured for well-nigh two centuries. The purely dynastic tie between England and Scotland might readily be severed (ch. i., § 4); and the most influential men of both nations were agreed in desiring to increase its likelihood of permanency by merging the two kingdoms into one. The international position of England was weakened by the liability to disruption: Scotland needed deliverance from its

awkward polity and free admission to English markets. On the other hand, Englishmen wished to preserve their monopoly of colonial commerce and their special advantages in foreign trade generally (ch. xvii., § 9), while Scotsmen either hankered after a restoration of their Stuart kings or trembled for their hard-earned Presbyterianism (ch. xii., § 2).

Opposition of the Scots "Patriots," 1702—1705.

The essays of James I., of Oliver Cromwell, and of William III. towards Anglo-Scottish union (ch. i., § 12; ch. viii., § 5; ch. xii., § 2) had been as completely thwarted by these religious and commercial differences, as Edward I.'s still earlier effort had been thwarted by bullying, by bungling, and by national jealousies. In Anne's reign also the first attempt entirely broke down. The Scots and English Commissioners, who met towards the end of 1702 to discuss terms of union, separated without effecting anything in February 1703.

The Scottish *Limitations* and *Bill of Security*, 1703—1705

The Scots Parliament which met in the following May, under the presidency of the Duke of Queensberry, as Lord Commissioner, so far from favouring the union, proceeded to pass several measures drafted by Fletcher of Saltoun (cf. ch. xii., § 2), the leader of the Scottish "*Patriots*":—

i. *Resolutions.*—(1) That the Presbyterian Church is "the only Church of Christ in the kingdom"; (2) that, after Anne's death, no King of England shall make peace or war without the consent of the Scots Estates.

ii. *Bills.*—(1) *The Limitations*, whereby the appointment of great officers of state in Scotland is transferred to the Scots Estates; (2) *The Bill of Security*, which empowers the Scots Estates to come together on the twentieth day after Queen Anne's death for the purpose of naming a successor from among the Protestant descendants of the royal line, who must not, however, be the same as the successor to the English Crown, unless during Anne's reign proper security be given to Scotland for freedom of religion and trade.

The English *Alien Bill*, 1705.

The Scots Parliament of July 1704, under the Marquess of Tweeddale, saw the royal assent, previously withheld, given to the last of these, though it rendered possible a separation between the kingdoms, and a Stuart dynasty in Scotland. Godolphin meant the assent as a measure of conciliation; but at the same time, in case that method should fail, he also had recourse to the opposite method of intimidation. Lord

Somers carried through Queen Anne's third English Parliament an *Alien Bill*, which provided that, after Christmas, 1705, the Scots were to be treated as aliens, the import into England of their staple products—cattle, sheep, coal, and linen—prohibited, and the border fortresses put into fighting trim.

§ 6. The threat was enough, and *the Alien Act* was repealed by the fourth English Parliament in the ensuing November. In April 1706 a fresh body of Commissioners met—thirty-one on either side. An attempt at overt federal union was put aside in favour of a pretence of complete fusion; and in December twenty-five *Articles of Union* were accepted by the Commissioners at Holyrood, and afterwards embodied in English and in Scottish statutes.

The Terms of the Union, 1706.

I. Articles of Union :—

i. *Crown.*—England and Scotland to be one kingdom, entitled Great Britain, the succession being in all points the same as had been settled for England by the *Act of Settlement* [ch. xiii., § 13].

ii. *Parliament.*—The United Kingdom to be represented by one Parliament.

iii. *Commerce.*—Scots standards of coin, weights, and measures to be assimilated to those of England; and Scotsmen to be admitted to the trade advantages enjoyed by Englishmen.

iv. *Law and Finance.*—The laws of trade, customs, and excise to be uniform in the two countries; other laws to remain unchanged, but subject to revision by the united Parliament.

II. Supplementary Act of Security :—

i. *Religion.*—Each sovereign, on coming to the throne, must swear to maintain the Presbyterian Church as the Established Church of Scotland [cf. ch. xii., § 2].

ii. *Law and Learning.*—The four Scots Universities and the judicial machinery are to remain untouched—save in the appeal given from the Scots Court of Sessions to the British House of Lords.

iii. *Parliamentary Representation.*—In the Parliament of Great Britain Scotland is to be represented thus :—(*a*) in the House of Commons, by 45 members *—two-thirds of the 45 being elected by the counties, the rest by the boroughs; (*b*) in the House of Lords, by 16 representative Scots peers, elected by their fellows at the beginning of each Parliament: no fresh Scots peers are to be created. †

* The English House of Commons at this time numbered 513—an increase of 51 since Elizabeth's death (cf. ch. viii., § 3). The new Scottish contingent therefore mustered about one-twelfth of the House: a proportion which was a compromise between one-eighth—as it should have been on a population basis—and one-fortieth, on the basis of wealth. The number of Scottish M.P.'s was increased to 53 by the *Reform Act* of 1832, to 60 by the *Second Reform Act*, 1868, to 72 by the Act of 1884.

† Hereafter Scots peers were disqualified from sitting in the House of Commons,

Consummation of the Union, May 1, 1707.

The distribution of money burdens was a problem hard to solve. The English revenue stood at £5,700,000, and its debt at more than thrice as much: the Scots revenue and debt were alike £160,000. Finally, the Scots were freed from terminable taxes, and in return for £398,000—which paid off their debt and liquidated the Darien Company—they took their share in the national debt. In the teeth of vehement opposition and threats of secession, these terms were accepted by 110 to 69 in the Scots Parliament on January 16, 1707, and by Anne's sixth English Parliament on March 6 (6 Anne, c. 15). On May 1 the hoisting of the *Union Jack*—the flag long since devised by James (Latin, *Jacobus*) I. and VI., in which the crosses of S. Andrew and S. George were blended—marked the completion of the Union. The first British Parliament met on October 23; and despite the threat of Jacobite invasion next year (ch. xiv., § 13), and its actuality in 1715 and 1745, the Union still exists. It was less complete than that essayed by Oliver Cromwell (ch. viii., § 5), for while it united the two States, it guaranteed the permanent independence of the Scottish Kirk. But, on the other hand, it was a purely voluntary agreement, not one imposed or faked by the stronger power, and it expressly authorised the united Parliament to modify any secular portion of it to suit changed circumstances. "The Union has been real and stable," says Green, "simply because it was the legislative acknowledgment and enforcement of a national fact."

Harley's Intrigues and Dismissal, 1705—1708.

§ 7. The first Parliament of Great Britain (October 23, 1707—March 1708) witnessed the collapse of the "Composite Ministry" which had brought about the Union. Marlborough's "family party" provoked excessive jealousy, and his ministerial system of political balance broke down as William III.'s attempt had broken down before him (ch. xiii., §§ 1, 2). However unanimous Whig and moderate Tory might be in prosecuting the war with vigour, they were hopelessly at variance in home affairs; and this breach was artfully widened by Harley, who hoped to make the fall of the Churchills his own stepping-stone to power. Harley's idea was, characteristically enough, to play upon the prejudices of the Queen

rather than upon those of the House of Commons: which is one of the many indications that the Queen still not only reigned but governed. He fed her resentment at the way in which her ministers used her ecclesiastical patronage, and encouraged her to appoint herself bishops after her own heart. He also placed near the Queen his relative Abigail Hill (Mrs. Masham), whose gentle mien gradually ousted the termagant Duchess from her mistress's favour (§ 8).

Formation of Godolphin's Whig Ministry, 1708—1709.

Harley's intrigues alarmed the Whigs, who in October 1707 determined to bring matters to a head by joining the extreme Tories in an attack upon Prince George's administration of the Admiralty, and upon the choice of Flanders rather than Spain as the principal battlefield. Godolphin came to terms with Somers, and so averted the attack. In February 1708 Anne was constrained to dismiss Harley—under pretext that his clerk Gregg's treasonable correspondence with France was done with his connivance. St. John and the rest of the Tory flock soon followed. Amongst the Whigs who filled their places was Robert Walpole, who in after-times so thoroughly adopted the principle of ministerial solidarity against which Godolphin had struggled in vain that he has been generally regarded as the first British Prime Minister (vol. IV., ch. ii.). Later in the year Somers became Lord President, and Wharton Lord-Lieutenant of Ireland; early in 1709, Orford was again made First Lord of the Admiralty; and the old Whig Junto was once more in power—but this time under the leadership of their former subordinate colleague Godolphin (cf. ch. xiii., §§ 1, 2).

The Trial of Dr. Sacheverell, March 1710.

§ 8. The new Junto proved to be as short-lived as the old Junto at the end of the previous decade. The Whigs, "having the upper hand, became dictatorial and over-bearing," and were unfortunate in their choice of an occasion for a trial of strength: like James II. in June 1688, they incurred the charge of enmity to the Church by assailing a popular parson (ch. x., § 11). Towards the end of 1709 Doctor Henry Sacheverell preached two sermons on "Perils among False Brethren," inculcating the doctrine of non-resistance, declaiming against

the Glorious Revolution and the Protestant Succession, attacking the Whig Administration, and especially mocking Godolphin under the name *Volpone*. The sermons were preached on official occasions—at the Assizes of Derby and before the Corporation of London at S. Paul's—and they were circulated as a political manifesto. The Whigs vowed vengeance, and, instead of punishing him by the ordinary course of law, impeached him. Even if it were wise to take all pulpit utterances seriously, it was unwise to arrange a scene in which Sacheverell might pose as a martyr. After a trial extending over three weeks (February 27—March 23, 1710), the Lords contented themselves with suspending him from preaching for three years. Like Charles I. in like circumstances, Anne retorted by bestowing preferment upon the clergyman whose incense to royalty stank in the nostrils of its political opponents (cf. ch. ii., §§ 2, 9).

Dismissal of Sunderland and Godolphin, June—August 1710.

The sentence was regarded as a virtual acquittal: popular feeling became wildly Tory, and was given a further impetus by dismay at the bloodshed of Malplaquet in September (ch. xiv., § 14). This national sentiment, as was usual even then in times of excitement (cf. ch. ix., §§ 16, 18, 19), expressed itself in the elections for the ninth Parliament. Anne gave way to her own and Harley's impulse without awaiting the verdict of the country, and followed up her dismissal of Sunderland in June by abruptly stripping Godolphin of all his offices (August 8). Harley became Chancellor of the Exchequer and chief of an administration which embraced St. John as Secretary of State, Rochester as Lord President, and Ormonde as Lord-Lieutenant of Ireland.

Dismissal of the Duke and Duchess of Marlborough, 1711.

Having got rid of Marlborough's sons-in-law, it only remained to remove himself and his wife. The Duchess was the first to quit. The story goes that in one of her frantic fits of fury she spilt a glass of water on Mrs. Masham's gown, and thus, by securing her dismissal, "changed the face of Europe" (but see ch. xiv., § 16). The Duchess ceased to be Groom of the Stoles in January 1711, and on December 31 the Duke, accused of peculation to the tune of £250,000, followed his beloved wife into retirement.

§ 9. Even before the fall of Marlborough, the Tory Ministry had been negotiating with a view to putting a stop to the war, which had lost its object as well as its popularity; and all through 1712 a diplomatic congress was in session at Utrecht (ch. xiv., § 17). At the end of 1711 Anne created a bunch of twelve peers for the express purpose of producing a peace majority in the House of Lords—it is a unique instance of such an exercise of the Prerogative to bring the two chambers into line; and before separating in June 1712 the ninth Parliament authorised beforehand the preliminaries which France agreed to in September. But though the Tories thus hurried the Whig war to a close, they did not venture, as the treaties show (ch. xiv., §§ 17, 20), to offend the commercial instinct which had impelled England into the scrimmage.

The Tory Ministry, 1710—1714: i. *Peace of Utrecht.*

The Tory Ministry which brought about the *Peace of Utrecht* was also responsible for various measures which, in their endeavour to revive dying institutions, recall those which marked the Tory reaction at the close of William III.'s reign ch. xiii., §§ 10—13). In 1711 Parliament passed a *Property-Qualification Bill* like that which William III. had vetoed in 1696 (ch. xiii. § 4): by this Act—which was not repealed till 1858—it was enacted that no one might sit in the House of Commons for a county unless he had an income of £600, or for a borough unless he had an income of £300, derived in each case from real property. *The Newspaper-Stamp Act* of the following year was an indirect attempt to check the "liberty of the Press" by imposing a stamp duty upon all journals (cf. ch. xiii. § 3). The former measure was designed to secure the predominance of the landed interest in Parliament, as against the newer commercial interest (cf. ch. xii., § 15; ch. xiii., § 6): the latter to check the influence of outside criticism on Parliament and Government alike.

ii. State: *Parliamentary Property-Qualification Bill,* 1711.

§ 10. Still more notable was the triumph of Tory ideals in the sphere of the Church. In 1711 Queen Anne had the satisfaction, thrice denied her in previous years (§ 3), of signifying her assent to the *Occasional Conformity Bill*

of her tenth Parliament; and the same session witnessed the repeal of the *Naturalisation of Foreign Protestants Act*, of 1708. Three years later the thirteenth Parliament carried another Act, which formed a suitable pendant to these ecclesiastical measures: no person, under pain of committal to prison without bail, was to undertake any but elementary teaching, except a member of the Church of England under licence from his bishop. This new *Schism Act*, however, owing to the death of the Queen on the appointed day, never came into force, and, together with the *Occasional Conformity Act*, was repealed by Stanhope's Whig Bill passed in 1718 and bearing the ingenious title—"*A Bill for Strengthening the Protestant Interests.*"

iii. Church: *Occasional Conformity Act*, 1711; *Schism Act*, 1714.

§ 11. Opposition to the *Schism Act* cost Harley his office. In 1711 he had successfully floated the South Sea Company, which lent the State £10,000,000, and two years later secured the privilege of working the *Asiento* (ch. xiv., § 17; ch. xvii., § 9); and as guerdon for this and for his attempted assassination by the French refugee, the Marquess of Guiscard, he was created Lord Treasurer and Earl of Oxford. But he would not join St. John, who became Viscount Bolingbroke in 1712, in taking any effective steps for the restoration of the Stuarts. Oxford's dismissal from office on July 27, 1714, left Bolingbroke more at liberty in carrying out his designs, in which he had the support of Ormonde, Harcourt, and Anne—who had just had a quarrel with the dying Dowager Electress. Three days later, however, his plans were seriously hampered by a sudden move on the part of a member of the Privy Council. The Duke of Shrewsbury, a vacillating Whig (ch. xii., §§ 1, 2) who had done much to "dish" his party in 1710, was entrusted with the White Staff as Lord Treasurer, and made use of his power and position in preparing to establish the Hannoverian succession. Less through his own skill than because Bolingbroke lacked nerve for decisive action, Shrewsbury and his colleagues were eminently successful. No open opposition was raised to the succession of the Elector of Hannover when, on the first day of August, Queen Anne died.

The Jacobite Revival: Death of the Queen, August 1, 1714.

IRELAND
Under the Stuarts.
English Miles
0 5 10 20 30 40 50 60
SCOTLAND
NORTH CHANNEL
Mull of Cantyre
Giants Causeway
Rathlin I.
Fair Hd
Portrush
Coleraine
Tory I.
Bloody Foreland
Londonderry
LONDONDERRY
Lough Foyle
Lough Swilly
ULSTER
Lough Neagh
Belfast
Belfast L.
Lough Larne
ANTRIM
Carrickfergus
Lisburn
TYRONE
Donegal Bay
Broad Haven
Killala Bay
Strangford Lough
DOWN
Downpatrick
FERMANAGH
Enniskillen
Lough Erne
ARMAGH
Armagh
Newry
Monaghan
MONAGHAN
Ballina
SLIGO
LEITRIM
Dundalk
Dundalk Bay
Arlingford L.
Clew B.
Clare I.
Westport
MAYO
CAVAN
LOUTH
Kings Court
Castlebar
ROSCOMMON
Longford
Old Bridge
Boyne R.
Tredagh (Drogheda)
CONNAUGHT
Lough Mask
Tuam
Lough Ree
Mullingar
WEST MEATH
MEATH
Trim
Dulek
Delgan Hill
Athenry
Galway
GALWAY
Ballinasloe
Shannon
Kilmaine
Bog of Allen
Maynooth
DUBLIN
Rathmines
KINGS CO.
KILDARE
Galway Bay
Aran Is.
Portumna
Parsonstown
Roscrea
Kildare
Athy
LEINSTER
Wicklow
Wicklow Hd.
CLARE
Ennis
Killaloe
Nenagh
Tipperary
Carlow
Arklow
Kilrush
Limerick
Thurles
Kilkenny
CARLOW
KILKENNY
TIPPERARY
Cashel
Knocknanoss
Ennisscorthy
WEXFORD
R. Shannon
LIMERICK
Listowel
Tipperary
Clonmel
Carrick on Suir
Newross
Wexford Harbour
Wexford
Tralee
MUNSTER
Dingle
KERRY
Dingle Bay
Mitchelstown
Waterford
WATERFORD
Carnsore Pt.
ST GEORGE'S CHANNEL
Blackwater R.
Bunmahon
Youghall
CORK
Cork
Kenmare R.
Bandon
Kinsale
Cork Harbour
Waterford Harbour
Bantry
Bantry Bay
Dursey Sd.
Mizen Head
IRISH PLANTATIONS
under the TUDORS & STUARTS.
By Philip & Mary
By Elizabeth.
Ulster Plantation by James I.
Later Plantations by James I.
Plantations proposed by James I. & Charles I.
Provincial Boundaries
County Boundaries.
ATLANTIC OCEAN
IRISH SEA

CHAPTER XVI.

IRELAND UNDER THE STUARTS.

1603—1714.

§ 1. Review of the Relations between England and Ireland, 1170—1603.—§ 2. The Abolition of Brehon Land-tenures, etc., 1603—1606; the Flight of the Ulster Earls, 1607.—§ 3. Plantation of Ulster, 1611.—§ 4. The Parliament of 1614; Further Plantations across the Midlands, 1612—1622.—§ 5. Lord Falkland, 1622—1629: *the Graces*, 1626; the Question of the Connaught Lands, 1624—1635.—§ 6. Lord Wentworth (Strafford), 1633—1640: his dealings with the Church, the Trade, and the Parliament of Ireland.—§ 7. State of Ireland in 1640; the Ulster Insurrection, October 1641.—§ 8. The Formation of the Catholic Confederacy, October 1642; Leading Figures in the Struggle.—§ 9. *The Cessation*, September 15, 1643; Glamorgan's *Secret Treaty of Kilkenny*, August 25, 1645; Ormonde's *Public Treaty of Kilkenny*, March 28, 1646.—§ 10. Rinuccini and the Nationalist Supremacy, 1646—1648; the Parliamentarian Revival, 1647—1648.—§ 11. The Royalist Reaction, January—August, 1649; the Puritan Conquest, 1649—1651.—§ 12. The "Cromwellian" Settlement and the Protectorate Anglo-Irish Union, 1652—1660.—§ 13. The Restoration Settlement, 1660—1668; Religious Oscillations, 1670—1685.—§ 14. Clarendon, Tyrconnel, and the Resurgence of Roman Catholic Nationalism, 1685—1689; James's Irish Parliament, May 1689.—§ 15. The Struggle between William and James in Ireland, 1689—1690: the Siege of Derry, April 16—July 30, 1689.—§ 16. The Battle of the Boyne, July 1, 1690; the First Siege of Limerick; Marlborough's Conquest of the South.—§ 17. The *Treaty of Limerick*, October 3, 1691; the Irish Brigade.—§ 18. The Penal Code, 1692—1714; the Commercial Code, 1663—1699: Anglo-Irish Parliamentary Union or Irish Parliamentary Independence?

The Connexion between England and Ireland: i. Its Nature.

§ 1. "Ireland is wedded to Great Britain by the ground-plan of the world." The geographical accuracy of Carlyle's statement is undeniable; and it is equally undeniable, from a historical point of view, that the marriage has partaken of the unhappiness common to *mariages de convenance*. Putting aside the earlier intercourse between the two islands, we may date the beginning of the political alliance from the twelfth century, when Henry II.'s so-called "conquest of Ireland" took place. Since then the matrimonial arrange-

ments have been made by England, which first courted the connexion, and which, owing to its greater size, strength, and wealth, has been throughout what a modern statesman has called "the predominant partner" in the joint life. Fundamental differences of race, and in later times differences in religion, in notions about landed property, and in commercial interests, have caused constant friction between the two countries. At times England has tried to be sympathetic and Ireland to be tractable; but such times have left a less distinct impression than the more frequent occasions—cause and effect being in each case a moot point—when Ireland has been refractory and England overbearing. It follows that "England's necessity has been Ireland's opportunity": whenever England has had her hands full of other business, Ireland, if strong enough, has endeavoured to secure better terms for herself—by insurrections, by threats of elopement, as it were, with some Continental Power, and by "constitutional agitation." Until the eighteenth century, all such endeavours utterly failed and were sharply punished (vol. IV., ch. xxi.).

ii. Its Historical Origin.

So far, we have spoken of "Ireland" as a unity; but as a matter of fact Ireland has never been *one* in anything like the sense in which England comparatively early became *one* (Intro., § 1). Like India, it was a tolerably isolated region inhabited by various tribes (vol. II., ch. x., §§ 1-4, and Map). The Anglo-Norman adventurers whom the King of England took upon himself to allow to try their fortunes there, upon condition of recognising his suzerainty, conquered what tribes they could, reducing them to serfdom and appropriating their land, made war against the independent tribes and against one another, and ultimately became themselves so far Irish as to resent English interference. The English kings for their part were not greatly disposed to interfere: the weaker kings had enough to do to hold their own at home; and to the stronger, as Sir John Davies* puts it, "the conquest

* His review of the past and views on the present policy of England in Ireland are expressed in his *Discovery* (published 1612). This and other readable tracts by him and some of his contemporaries are issued in a cheap and handy form in Messrs. Routledge's "Carisbrooke Library," vol. x. Fynes Moryson's *Description*, in particular, shows briefly but powerfully the backward state of the Irish.

of France seemed a fairer enterprise." Accordingly the Hibernianders were left almost undisturbed to fight and imitate the social system of the native Irish, until the Tudors arose and sought to introduce in Ireland an orderly government after the English pattern, lest a foreign Power should forestall them (vol. II., ch. x., §§ 1-4).

iii. Its Development under the Tudors.

Thus Henry VII., by means of the group of Irish Acts called *Poynings' Law*, 1495, tried to restrain the kelticisation of the Hibernianders, and succeeded in making the Irish Parliament legally subordinate to the English Privy Council—that is, to the Home Government; Henry VIII. assumed the style "*King* of Ireland" in 1542, and essayed by grants of confiscated Church property to bribe Anglo-Norman noble and Irish chieftain alike to support his ecclesiastical and civil policy; Philip and Mary instituted the plan of "planting" parts of Ireland with English farmers (cf. § 3); and Elizabeth's Lord-Deputies beat down without pity the territorial lords, whether of English or of Irish descent, who strove to vindicate by arms their old local liberties, or power to rule their dependents. Six days after the Queen died, Hugh O'Neil, Earl of Tyrone, who for the last seven years had been heading a final effort at national resistance to England, made his formal submission to Lord-Deputy Mountjoy (vol. II., ch. x., §§ 5-20).

James I.'s Early Dealings with Ireland, 1603—1606.

§ 2. When James VI. of Scots became King of England and Ireland in 1603, he found Ireland "brayed, as it were, in the mortar with the sword, famine, and pestilence," or, to use another of Davies's metaphors, he found the barbarous land "broken" and "capable of good seed." With the help of Sir John Davies, who became the principal law-officer of the Crown in Ireland, and Sir Arthur Chichester, who quickly succeeded Sir George Carew, Lord Mountjoy's successor, as Lord-Deputy (1604—1616), James took pains to study the land before he ventured on any experiments in seed-sowing. As in England, he simply followed up Elizabeth's openings (cf. ch. i., § 5). He began with the issue of a general pardon for past offences. In the ecclesiastical sphere, he suppressed a few scattered demonstrations in favour of

Roman Catholicism, and tried to strengthen the Established Church by banishing Roman priests, by enforcing the *Irish Act of Uniformity*, by increasing the endowments of Trinity College, and by having the Anglican Liturgy translated into Erse (1608: cf. ch. i., § 8). In the civil sphere, he made all Ireland "shire-land": in other words, he brought all the inhabitants, Irishry and Englishry alike, under the operation of one legal and judicial system. That system was built on English lines, and was, naturally enough, expected to be as much a blessing to the Irish as it had been to the English (cf. Intro., § 2). The most significant aspect of this reform was the total abolition of Brehon land-tenures: just as in the eleventh century the Norman lawyers applied their notions of dealing with real property to English manors, so in *McBrien v. O'Callaghan*, 1605, did the Queen's Bench at Dublin decide that "land is descendible only by English law." The greater and lesser chiefs were deemed to be freeholders of such parts of the tribal lands as they happened to be occupying, to the entire exclusion of their humbler co-partners; and the relation of chieftain and clansmen was merged in that of landlord and tenants (cf. vol. II., ch. x., § 10).

The Flight of the Earls, 1607.

In 1607 the two principal Irish chiefs in Ulster, Hugh O'Neil, Earl of Tyrone, and Rory O'Donnel, Earl of Tyrconnel, took refuge in Rome rather than face the charge of treason which they knew to be hanging over their heads. The charge was probably baseless, for, though goaded to conspiracy by spies and lawyers filled with desire for their lands, they had been adequately taught the futility of resistance (vol. II., ch. x., §§ 18-20). But their flight was held to be proof of guilt, and their lands were escheated to the Crown. In the following year an abortive rising by Sir Cahir O'Dogherty of Innishowen and some of the O'Donnels of Donegal was, in conjunction with the flight of the earls, made a pretext for bringing the whole of the six counties of Ulster under the same forfeit. The lands of all, guilty or not guilty, were, by an astounding stretch of law, confiscated as a punishment for an alleged crime perpetrated by persons to whom, according to the recent land-settlement, they did not appertain.

§ 3. As in England the Government juggled with the law in the interest of policy (cf. ch. i., § 14; ch. ii., § 8; ch. iii., § 4). James, who had the theorist's rooted dislike of adapting himself to circumstances, wanted to have free scope for a systematic "plantation." What a fine thing it would be if one part of Ireland at least were settled by industrious British Protestants, who, by their industry, might at once enrich the Exchequer and serve as a model to the shiftless Irish Papists by whom the greater part of the island was inhabited! James had plenty of material ready to hand (cf. ch. xvii., §§ 2-4): the elements floating on the surface of society in his two hither kingdoms—sometimes the cream, more often the scum—would just as soon go to Ireland to better themselves as take service under some foreign princeling; and Ireland was almost as near to England then as North America is now. For three years Royal Commissions were busy surveying Ulster, and in 1611 the plantation began upon a plan which, though based upon Elizabethan precedents (cf. vol. II., ch. x., §§ 13, 15, 17), was too Utopian to be carried out in its entirety:—

The Plantation of Ulster, 1611.

i. *Area of Plantation*: 511,465 acres* of "fat" lands. This was rather more than one-sixth of the total lands confiscated: the rest, being barren or "lean" lands, was allotted to the dispossessed natives.

ii. *Apportionment of Plantation*: 81,500 acres to 50 English *undertakers* [*i.e.* contractors, cf. ch. i., § 19]; 81,000 to 59 Scottish undertakers; about 50,000 to *servitors* [*i.e.* men who had done the Government service in war, etc.]; about 60,000 to the City and Guilds of London [cf. ch. iii., § 3]; about 100,000 to the Established Church; about 12,000 as endowments to the University and local free schools; about 50,000 for towns and forts; about 60,000 to some 300 meritorious natives.

iii. *Conditions of Plantation*: the undertakers must take the Oath of Supremacy; must within four years build clumps of farmsteads (for mutual protection of the new tenants), and within five years settle on their lands a certain number of freeholders and leaseholders, who must not be Irish; quit-rents to the Crown from 1¼*d.* to 2¼*d.* per acre.

§ 4. Towards the end of 1612 James summoned his first Irish Parliament. This step was mainly due to the desire of the Government to obtain statutory sanction for its

* The measurements here, as throughout the chapter, are in *Irish* acres—7,840 sq. yds., not 4,840 sq. yds., as in England. Previous plantations (see Map, p. 334): King's and Queen's Counties, 1558; Antrim, 1573; Munster, 1581.

proceedings in Ulster, which had been based on the verdicts of juries and the sentences of judges, and carried out by administrative process. But it was also part of the programme for the assimilation of Irish to English institutions (§ 2). It was the first Parliament of all Ireland irrespective of race and religion (cf. vol. II., ch. x., § 5 *n.*). But though Recusants were not as yet excluded from the franchise (ctr., § 18), the Government took good care, by calling upon the new blockhouse-towns of Ulster and the garrison-towns in general to send members, to secure a Protestant majority. The presence of 22 bishops made the Upper House safe: the House of Commons, after a stiff electioneering contest, was found to contain 125 Protestants and 101 Romanists, and thus was as far from being a really representative body as the Puritan House of Commons in Elizabeth's England. The first trial of strength took place over the election of a Speaker: the majority chose Sir John Davies, and placed him in the lap of Sir John Everard, the rival candidate whom the minority, during the absence of the Protestants in the lobby, had put in the Speaker's chair. James was appealed to and decided in favour of Davies, though he at the same time annulled certain elections against which the Roman Catholic members had protested. Parliament then proceeded to pass an Act of Attainder against the refugee earls and thirty gentlemen of Ulster (§ 2); to put the Englishry and Irishry on a common footing by the repeal of old statutes which had forbidden them to intermarry or adopt each other's children; and to vote a liberal subsidy.

The First Parliament of all Ireland, 1612—1615.

Despite this subsidy the government of Ireland was run at such a loss that the policy of plantations was successively extended to Wicklow and Wexford (1612), Longford and West Meath (1619), and Leitrim (1622). As there was no rising to furnish excuses for confiscation, the legal device adopted to acquire land for the King was the issue of "commissions to inquire into defective titles." All over Ireland, especially in the districts which had never been colonised by Englishmen, the old occupiers had sought security of tenure by making surrenders to the Crown and had obtained regrants. Owing to their ignorance

Plantations in Leinster, 1612—1622.

or to the carelessness of lawyers, there were frequently flaws in the supposedly sure new titles; and now a horde of pettifoggers sprang up who made it their business to hunt up and bring to light such technical errors. The Crown rewarded these *Discoverers* with portions of the lapsed lands and itself with fines upon regrants either to the old occupiers or to new adventurers. Almost as many Irish peers date their peerages from these legal but unrighteous transactions as English peers from the somewhat similar land-grabbing at the time of the dissolution of the monasteries (vol. II., ch. iv., § 8).

§ 5. A proposal to extend this system of squeezing land-holders to the province of Connaught and to County Clare was in hand when James I. died in 1625. The surrenders and regrants for which they had twice paid fees and compositions had not been duly enrolled; and in 1624 all land-titles in those parts were formally declared "defective." They then offered £10,000 to stave off a plantation and to obtain confirmation of titles; and in 1626 an Irish Parliament voted a subsidy of £40,000 a year for three years in return for a legislative enactment of *the Graces* to which Charles had given his royal assent, and which included protection for the threatened Connaughters. These *Graces* included fifty-one articles of reform on behalf of all classes:—

Lord Falkland, 1622—1629: *the Graces*, 1626.

i. *Stoppage of Various Fiscal Extortions from the Landed Interest: e.g.* the Crown to give undertakers an extension of time to complete their contracts, to respect a sixty years' prescription in the case of any lands, and, in the case of Connaught lands, to grant confirmation of title without further fees.

ii. *Lessening of Civil Disabilities to Recusants: e.g.* Oath of Allegiance to be substituted for the Oath of Supremacy as a test for the legal profession.

iii. *Administrative and Financial Reforms: e.g.* restrictions upon the power of the Castle Chamber [cf. ch. i., § 16; ch. iv., § 6].

This document was as comprehensive as the English *Magna Carta*, but proved less effective: the omission of Lord Falkland to fulfil the requirements of *Poynings' Law*, by sending over the heads of its contents to the English Council, was held to make the whole business—except the money-grant—invalid.

Menaced Lands in Connaught, 1624—1635.

Three years later Falkland was driven to resign, because his religious toleration brought him into conflict with his Council. In 1635 Wentworth, his successor in the office of Deputy, settled the Connaught question: he and his commissioners bullied juries into declaring the impugned titles defective, and then, with some reservations for Church-endowments, made formal regrants to the old holders at a higher rent to the Crown.

Viscount Wentworth, Lord-Deputy, 1633—1639.

§ 6. The Governorship of Viscount Wentworth (1633—1640) was marked by many other things besides thus ending the Connaught question. He believed that, to be good, government must be absolute and resolute; and he further believed that good government was a boon to subjects for which they ought to be made to pay. With the help of Bramhall, Bishop of Derry, he took in hand the much-needed reformation of the Church; and here he followed the principles of Laud (ch. iii., §§ 5, 6), not only to bring English and Irish government into closer touch, but also because there seemed to be no surer means of increasing the efficiency, and augmenting the adherents, of the Irish Church. He worked hard for the economic improvement of Ireland: by warring down the Algerine and other pirates who infested the Irish Channel and the western inlets (cf. ch. iii., § 4); by the uniform and impartial administration of the law; and by the introduction of the linen manufacture, which he encouraged by starting the growth of flax, and by importing Flemish weavers to teach their art. All these things were to the common advantage of King and subject; but his treatment of the Parliament of 1634 illustrated his theory that, if either had to go to the wall, it must be the subject. He induced that Parliament in its first session, "for the Crown," to vote six subsidies of £45,000 each by the promise that in the second session, "for themselves," *the Graces* (§ 5) should be brought forward; and then he quashed the hope for reforms by compelling his Council to petition the King against them. Incidentally, he thus demonstrated the good sense of the English Parliament in holding fast the practice of redress before supply (cf. ch. i., § 19; ch. ii., §§ 4, 7; ch. iii., § 9).

In the six years of his deputyship Wentworth both

benefited and offended every interest in Ireland, and for the first time made the government pay its expenses —and even leave a balance of £60,000 per annum. His success was so great that at the end of 1639 Charles commanded him home to give his advice in the treatment of the Scottish troubles (ch. iii., § 10). He returned, Earl of Strafford and Lord-Lieutenant, to prepare troops out of the Irish army of 10,000 which he had levied and drilled for the King's sole service; but that King gave way so far as to yield to the Scots the religious concessions which they asked, and to the English Parliament both other things and especially the head of Lord Strafford (ch. iv., § 4).

Lord-Lieutenancy of Strafford 1639—1640.

§ 7. "Ireland, being a country of war, is always full of soldiers." So wrote the poet Spenser in 1596; and it shows how much had been done towards pacifying the country that forty-four years later Strafford's army was disbanded and but 2,000 troops left under arms —and they dispersed by mere fifties in the garrison-towns. But this confidence in the tranquillity of Ireland quickly proved to be overdone. The country was seething with discontent: the new Protestant interest, writhing under the Laudian innovations and the iron hand of Strafford, was hoping great things from the Lords-Justices, Sir John Borlase and Sir William Parsons; while both the old Anglo-Irish, desirous of more religious liberty, and the native Irish, full of national aspirations and sore with religious and agrarian grievances, were from the beginning of 1641 concerting measures with the King against the domination of an English Puritan Parliament.

State of Ireland in 1640.

It was the native Irish who brought matters to a head. Within less than six months after Strafford's execution in May 1641, they elaborated a conspiracy which is almost unique in their country's annals for the mutual fidelity of its organisers. On October 23 Dublin Castle and all the Protestant garrisons and bawns (fortified farmsteads) were to be seized. Dublin was saved in the nick of time by the Lords-Justices; but within a week all Ulster, except Derry and Enniskillen on the West, Belfast and a few other towns on the East, was in the hands of the disinherited Irishry. So far little blood had been shed:

The Ulster Insurrection, October 1641.

then in anger at a repulse Sir Phelim O'Neil, a ruffian who had none of the qualities of a leader save the magic of his name, began to kill the men and send the helpless adrift stripped and starving. His followers in and about Armagh took their cue from him and had their fling. Fearful rumours of a massacre of 150,000* Protestant settlers spread across the Channel and powerfully affected the current of events in England (ch. iv., § 8).

The Catholic Confederacy, October 1642.

§ 8. The movement was at first entirely in the hands of the native Irish of Keltic descent, but in December Rory (Roger) O'Moore, their leader in Munster, won over the greater part of the old Anglo-Irish Lords, in the Pale and elsewhere; and in the following October, after five centuries of bitter strife, the two races met under Lord Mountgarret in conclave at Kilkenny, and set up in the business of government as the *Confederate Catholics*. It was in fact their common religion and their common fear of a propagandist, or rather crusading, Puritanism which alone forced the two sections to become a "quasi-nation"—*quasi*, because each had different ulterior objects. The thoroughbred Irish wanted, above all things, to get back their land and tribal customs: the semi-Irish lords of Norman descent were fighting for the King—hoping, as the Presbyterians of Scotland did later (ch. v., § 13), to obtain his favour for their religion as the price of their support.

The Leading Figures of the Irish Struggle.

At first there was chaos on both sides, and a desultory warfare of savage reprisals. On the one side, Ormonde, the King's Lieutenant-General, did not get on well with the Parliamentary Lords-Justices; and scattered troops, like Coote's English force in Wicklow, Cole's in Enniskillen, and Munroe's Scottish force in Antrim, could do nothing effective. On the other side, there was no discipline or organisation, no weapons or trained officers, until early in 1642 there arrived two Irish exiles who had seen service abroad—each with arms, stores, ammunition, and experienced compatriots. Owen Roe O'Neil,

* There were not so many in all Ireland, and the slaughter extended over only a small area. Clarendon puts the number at 40,000: Gardiner reduces it to 4,000 killed in cold blood, and 8,000 perishing by privation. The only wilfully cruel leader was Sir Phelim O'Neil.

a nephew of Tyrone's, was chosen to supersede Sir Phelim in Ulster, and Colonel Preston to command in Munster. They came independently and never acted cordially together: Red Owen represented the national movement, while Preston was one of the Pale nobility. Despite Ormonde's victory at Kilrush (April 1642) and a few other successes in the South, the Confederate Catholics were on the whole the strongest; and the English Parliament—fearing lest they should, if triumphant, throw in their lot with the King—pledged 2,500,000 Irish acres to security for a war-loan (§§ 12, 13).

The Cessation, September 15, 1643.

§ 9. Multiplicity of parties breeds coalitions: it is in tracing the working of this principle, rather than in the mere barbarity of fighting, that the interest of the story lies. At first Ormonde, at the King's instigation, drew nigh the moderate Roman Catholics, and on September 15, 1643, entered at Drogheda into the engagement called *the Cessation* with them. It was merely a truce for a year pending a permanent agreement. It did no good to any one—least of all to the King. The detachment of Ormonde's army set free by the truce was cut to pieces at Nantwich early in 1644, and the Confederate forces sent to serve under Montrose were infinitesimal compared with those which the English Parliament got from its Scottish alliance in the same month (ch. v., §§ 6, 7). Besides, *the Cessation* made Charles's own churchmen distrust him, and gave the English Parliament an excellent handle against him. Finally, it did not even put a stop to the Irish wars, for the Scots in Ulster refused to recognize it.

Glamorgan's *Secret Treaty of Kilkenny*, August 25, 1645.

Still more disastrous to the King was the treaty which his agent Glamorgan, with the King's connivance, but without Ormonde's approval or knowledge, made with the Confederates, August 25, 1645. In return for the services of 10,000 troops in Britain the King was pledged to two sets of obligations:—

i. *Public Treaty:* repeal of *Poynings' Law* (1495); a general amnesty; and limitation of the period for enquiring into land-titles.

ii. *Secret Treaty:* Mass to be allowed in all churches not actually in English hands; Roman Catholic Clergy to exercise spiritual jurisdiction, and to receive two-thirds of Church tithes and other revenues—which, however, they were for the present to relinquish for the payment of the promised troops.

Ormonde's *Public Treaty of Kilkenny*, March 28, 1646.

The *Glamorgan Treaty* came too late to profit either of the parties to it. Even if Glamorgan could have transported a Confederate army to England, it could not have saved the King now that Naseby and Philiphaugh were lost (ch. v., § 9); and it would have infallibly excited as much ill-feeling in England as James II.'s Irish Papists did in later years (ch. xi., § 4). The mere divulgence of his intentions ruined him, when the English Parliament published the terms of the treaty from a copy found on the body of the Roman Catholic Archbishop of Tuam, who was slain in October while attempting to retake Sligo from Sir Charles Coote, the younger. Charles was obliged to repudiate the treaty; but it was noticed that after a short imprisonment Glamorgan was reinstated in favour. In March 1646 Ormonde, who was now Lord-Lieutenant, but was hampered by his Protestant scruples from going to such lengths in the way of concession as his master was prepared to go, concluded a more moderate agreement with the Confederate Catholics.

Rinuccini and the Nationalist Supremacy, 1646—1647.

§ 10. Ormonde's second treaty split the Confederates into their component parts—the Royalist and the Nationalist sections (§ 8). The Papal Nuncio Rinuccini, who had arrivèd in October 1645, and who, like the Puritan Convention of 1653 (ch. vi., § 9), was far too sure that he had God wholly on his side to stoop to merely practical human compromises, put himself at the head of the latter party, and strove amain to separate Catholic Ireland from heretic England. With the aid of Owen Roe he expelled the rival section from the central government at Kilkenny, and became President of the Council. Owen Roe was annoyed by the silence of the treaty as regards the restitution to his Ulstermen of their lands, and had been hailed with the royal greeting of "the O'Neil" in consequence of the victory at Benburb, June 5, 1646, whereby he had utterly crushed Monroe's Scottish army. After Rinuccini's *coup d'état*, Preston and his Munster Moderates, who had hitherto held aloof, decided to co-operate with the O'Neil; and the united forces seemed likely to crown the Confederate triumph by the capture of Dublin.

Ormonde, however, thus compelled to choose between English and Irish interests, surrendered the capital to the Parliamentarian commander, Michael Jones (July 28, 1647), and retired to France. The acquisition of Dublin proved to be but the beginning of Parliamentarian successes. Early in 1648 Jones handled Preston roughly at the battle of Dungan Hill, near Trim; and Inchiquin, sallying forth from Cork, inflicted an equally heavy blow on Lord Taafe at Knocknanoss hard by Cashel. But the issue of the second civil war in England caused some parties in Ireland to feel anxious about the fate of Charles (ch. v., § 13). In the autumn of 1648 Lord Inchiquin returned to the side of the King, whom he had abandoned after *the Cessation* (§ 9), and joined forces with Preston; and this coalition was answered by Jones, the Puritan, making common cause for the nonce with the Ultramontane Rinuccini and the Irish Papist O'Neil.

The Parliamentarian Revival, 1647—1648.

§ 11. The execution of Charles I. in January 1649, here as in Scotland, strengthened this Royalist reaction (ch. v., § 14; ch. vi., § 3). The collapse of the Nationalists was shown by the flight of the Nuncio. Ormonde, who had just returned to Ireland, was commissioned to act as Lord-Lieutenant of "Charles II.," and won to his side not only the Confederate Catholics of the South, but also—their loyalty and dislike of Independency overcoming their hatred of Popery—the Scottish army in Ulster. The Parliamentarians were so hard pressed that on May 8 Monk ventured to enter into an offensive and defensive alliance with the O'Neil. It gave an invaluable breathing-time, but it was as damnable in the eyes of the dominant party at home as Glamorgan's treaty (§ 9); and Monk, especially as he was being driven from hold to hold by Inchiquin, thought himself lucky to be let off lightly with a censure. Three months later, on August 2, Ormonde's attempted surprise of Dublin was thwarted with a loss of 4,000 men by Colonel Jones in the battle of Rathmines or Baggotrath. Jones himself said that had the O'Neil been acting against him—and a little later, shortly before his death, he did throw in his lot with Ormonde—he could never have won this battle.

The Royalist Reaction, January—August 1649.

The Puritan Conquest, 1649—1651.

A few days later Oliver Cromwell landed with 12,000 troops at Dublin, and began that terrible conquest which has made "*the curse o' Crummell*" a proverb, and his own name a byword of reproach for cruelty. His action sprang out of two facts in him: he was a Puritan who in avenging the "innocent blood" of 1641 was blind to the "Papist" view of things; and he was a soldier who believed in *Thorough* as firmly as Strafford (ch. iii., § 7). To end a war promptly seemed to him the best means "to prevent the effusion of blood for the future." To give him his due, he at least ordinarily kept his men from sack and pillage, and struck down none but the armed men and the Roman Catholic priests. On September 11, after once being driven back, he stormed Tredagh or Drogheda, and put Sir Arthur Ashton's garrison of 3,000 men to the sword. Then he turned South, and on October 9 stormed Wexford in the same way with the slaughter of 2,500 men. Meanwhile, Coote and Venables had been overrunning Ulster, and Rupert's fleet had been driven from Kinsale by the Parliamentary navy (ch. vi., § 3). Before Cromwell left the country, May 1650, to uphold the cause in Scotland (ch. vi., § 4), the greater part of Ireland had been subjugated, and the Nationalists were again at cross-purposes with the Royalists. In the summer of 1651 Ireton, Cromwell's son-in-law (Table, p. 141), completed the conquest by the capture of Limerick and Galway. Some of the discomfited soldiers (about 34,000) took service abroad (cf. § 17); others became *tories*, or bandits, in the woods and morasses (cf. ch. ix., § 16); and the Government provided for the wives and children thus deserted by selling them as slaves in the West Indies (cf. ch. x., § 4).

"Cromwellian" Settlement of Ireland, 1652—1653.

§ 12. The English civil power then took in hand the pacification of the country. The Ordinance of the Long Parliament "for the settling of Ireland," August 1652, assigned certain punishments for the Roman Catholics. The supplementary Ordinance "for the new planting of Ireland," 1653, arranged what was to be done with the forfeited lands. The "Cromwellian" Settlement was, like all those which had been tried since the days when Philip and Mary set the example (§ 3 *n.*), one

of forcible eviction and plantation. But it was more thorough, and, in a way, more merciful. It was based on the wholesale transplantation, in a manner worthy of an Assyrian king of old, of all save the poorest * Roman Catholics to the region beyond the Shannon. The hardships were that the innocent suffered with the guilty, and that the land to which the disinherited were moved was not a land "flowing with milk and honey," but one of which part at least "had not water enough to drown a man, trees enough to hang him, or earth enough to bury him." But there all Roman Catholics were ordered to settle by May 1, 1654, within a ring-wall one mile wide held by English soldiers, and to leave their own goodly lands to the Puritan military colonist who thus took his arrears of pay, or to the "adventurer" who had on the security of Irish land advanced money to the Commonwealth in and after 1642 (§ 8).

Ireland under the Protectorate, 1654—1659.

Putting aside the injustice of the settlement, the success was unquestioned. The Lords-Deputy—viz., Fleetwood, who married Ireton's widow, and Henry Cromwell—who, under the Protectorate, took turns at ruling in the intervals between the government of Commissions of Five, were able to reduce the army enormously, to double the revenue of Ireland, and almost make the country pay its working expenses. Cromwell's idea was "to make Ireland like Yorkshire": he therefore forbade the public exercise of the Mass, did his best for the commercial prosperity of Ireland, and summoned thirty Irish representatives to his Parliaments (ch. vii., §§ 5, 7).

The Restoration Settlement, 1661—1668.

§ 13. The greatest mercy Ireland could have had would have been the *permanence* of this, or, for that matter, any other settlement. But the Restoration Government could neither leave the Puritan soldiery to its plunder, nor take it all back and return it to the Protestant Royalists who had throughout, and the Roman Catholics who had in a measure, supported Charles I. Ormonde, who was again Lord-Lieutenant from

* Those whose lands were of less than £10 annual value received a free-pardon; those who had taken a leading part in organising either the Insurrection of '41 or the revolutionary government of Kilkenny (§ 8) forfeited both lives and estates; active rebels between 1641 and 1649 received land in Connaught to the extent of one-third of their former estates; non-combatants, at a two-thirds rate.

1662 to 1668, tried to combine justice with policy by forcing through the Irish Parliament the *Act of Settlement*, 1662, and the *Act of Settlement and Explanation*, 1665. As in England, the Church received back all its lands, and even obtained more; but Ormonde, like his English counterpart Clarendon (ch. viii., §§ 6, 9), found it impossible to satisfy all parties, least of all those who had been ousted for their loyalty from their lands. The Puritan settlers were necessary for the maintenance of the Protestant interest; they were formidable persons to disturb; and they had in many cases helped to bring about the Restoration. The adventurers and their grantees practically held their lands upon the guarantee of an English Act to which Charles I. had given his formal assent (§ 8, *fin.*). By the Act of 1662 it was laid down that they were to surrender the lands which they held if it were proved that the dispossessed owner had been innocent of rebellion against the King, and to be "repaid" out of the unallotted and newly forfeited lands. As it was discovered that, in consequence of the lavish grants made by the King to his favourites (cf. ch. xiii., §§ 10, 11), there was not nearly spare land enough to satisfy all claims, the Act of 1665 provided that the Cromwellians should give up one-third of their estates for that purpose.

Altogether in these troubles it is estimated that 600,000 persons—or two-fifths of the entire population of the island—lost their lives; and that whereas in 1640 the profitable land was divided between Romanists and Protestants in the ratio of 3 : 2, in 1670 the ratio stood as 2 : 3.

Religious Oscillations, 1670—1685.

The year 1670 witnessed, in Ireland as in England, a governmental reaction towards religious toleration on behalf of the Roman Catholics (ch. ix., § 1). As they numbered over two-thirds of the population, while the members of the Established Church mustered but one-eighth, all told, such concessions, however reasonable, were dangerous to the received ideal of an Anglo-Protestant interest. None the less in that year Lord Berkeley was sent out as Lord-Lieutenant to make Ireland ready with men and money to overbalance the majority in England, not as in Wentworth's day to champion Laudian, but Roman, Catholicism.

Berkeley showed his sympathies by lending the Castle plate to the Romanist Archbishop of Dublin for use at Mass, and connived at the establishment of Romanist schools and the flooding of the country with friars. These things encouraged the Duke of York's friend Dick Talbot (§ 14) to get up a petition to re-open the land-question (1671); and it was one of the anti-Romanist proceedings of the 1673 session of the English Parliament to "contemn" that petition (cf. ch. ix., § 4). The lies disseminated by Irish informers about the part that Ireland was to play in the alleged Popish Plot of a few years later brought about the unjust hanging of Plunket, the Romanist Archbishop of Armagh, and necessitated a governmental right-about-face (cf. ch. ix., § 11). Ormonde during his third Lord-Lieutenancy (1677—1685) strove, not unsuccessfully, to keep the panic, the repression, and the reaction alike within bounds.

Resurgence of Roman Catholic Nationalism, 1685—1688.

§ 14. James II. resolved to pursue with vigour the policy hinted at in 1670 (cf. ch. x., §§ 2, 6). To keep up appearances he put his brother-in-law Clarendon, a staunch Anglican, into the viceroyalty for two years; but Talbot, now Earl of Tyrconnel, was at the same time made Commander of the Forces, and really exercised the chief power. Early in 1687 Clarendon was forced from office (cf. ch. x., § 8), and Tyrconnel became Lord-Deputy. He hastened the work of manning the civil service, as he had already manned and officered the army, with Roman Catholics; while a Roman Catholic judiciary reconstructed the corporations in their interest (cf. ch. x., § 10, and reff.), and did its best to fulfil the Chief Justice's threat of "driving a coach and horses through the Acts of Settlement and Explanation" (§ 13).

James's Parliament in Dublin, May—June 1689.

Startled and dismayed by James's "absconding" (ch. xi., §§ 8, 9), Tyrconnel dallied for a moment with projects for making terms with William of Orange. On March 12, 1689, however, within a month of William's acceptance of the English crown (ch. xi., § 11), James landed at Kinsale, to find the country almost solid in his favour (§ 15). He at once proceeded to hold a Parliament in Dublin, which, as it included but eleven Lords and six Commoners who were Protestants,

adequately represented the religious, if not the landed, interests of Ireland. There it soon became evident that the Irish cared little enough about James (cf. ch. xii., § 1), and were only using him as a means to destroy all traces of English ascendency. James gave his assent to an Act declaring that the English Parliament could not pass statutes to bind Ireland, and that judicial appeals to English courts did not lie. The *Act of Settlement* and the *Act of Explanation*, which had previously been violated piecemeal, were now entirely abrogated,—an equitable provision being made, however, that those who had purchased land from Cromwellian allottees should receive compensation for ejectment. Shortly afterwards 2,445 Protestants, of name and fortune, were massed together in what Macaulay has called "the hugest Act of Attainder the world has ever seen." That this measure was purely political, and not the outcome of sheer bigotry, is shown by the moderation of the accompanying Church settlement: an Act was passed to secure liberty of conscience, and to provide that tithe paid by Roman Catholic landowners should go to clergy of their own denomination. When the French envoy Avaux advocated a general massacre of Protestants as a work both of utility and piety, James declined, and was told that "mercy to Protestants is cruelty to Catholics."

The Siege of Londonderry, Apr. 16—July 30.

§ 15. These measures—which some of the extreme Whigs at home seemed half disposed to emulate (ch. xii., § 8)—were hardly calculated, though moderate considering the provocation given, to conciliate English sympathies. Meanwhile James's issue of base money, and the lax discipline of the troops, greatly injured his strength in Ireland. The centre of resistance to him was naturally the province which his grandfather had so laboriously made a Protestant stronghold (§ 3). Thither, in the fall of 1688, most of the Protestants who could not escape across the Channel tried to make their way in order to avoid the massacre which it was believed had been fixed for December 9 (cf. ch. xi., § 8). No such massacre was intended or took place; but, as in 1641, the process of forcible eviction by exasperated outcasts led to bloodshed by the rank and file; and, again as in 1641, Londonderry

and Enniskillen became cities of refuge for the Protestants (§ 7). There the newly established Romanist corporations (§ 14), seeking to admit the troops of their co-religionists, were discarded by their fellow-townsmen; and Protestant governors were chosen to hold the towns for "King William"—in Enniskillen, Gustavus Hamilton; in Derry, a clergyman named Walker, and Major Henry Baker. Both towns were besieged. The former was to some extent protected by its situation on an island in Lough Erne: the latter, "sheltered by a weak wall, manned by a few old guns, and destitute even of a ditch," maintained a defence whose unflinching heroism has made it, in the words of Macaulay, "the most memorable siege in the annals of the British Isles." Though James's general, Richard Hamilton—who had been William's agent to Tyrconnel, and had deserted—had nigh 25,000 troops with him, he was compelled to turn the siege into a blockade. The universal corruption and laxity in all departments of the Home Administration, which Halifax at the Irish Office did little to alleviate and to which William could not personally attend, caused their relief to be delayed; and it was not till the blockade had lasted 105 days, and only two days' food remained, that Kirke (cf. ch. x., § 4) burst the boom which had been thrown across the river Foyle, and with three vessels brought provisions to the famished citizens of the beleaguered town (July 30).

The Landing of Marshal Schomberg, August.

The besiegers immediately retreated; and three days later (August 2) their comrades under Justin McCarthy, who had been engaged with Enniskillen, received at Wolseley's hands a complete defeat, with heavy loss, at Newtown Butler. In the autumn a small contingent of Anglo-Continental troops was brought over by Marshal Schomberg (cf. ch. xi., § 5) to withstand the Duke of Berwick in County Down; but his army was so thinned with fever, caught in the low-lying camp near Dundalk, that nothing effective could be done that season.

§ 16. In the summer of 1690 the rival kings looked one another in the face. William landed in June, and, after a rapturous reception at Belfast, marched rapidly southwards,

with an army of some 36,000, half English, half foreign mercenaries, mostly Protestants. The Irish army, although Louis XIV. had strengthened it with 5,000 French troops, and not merely, as before, with officers and stores, was somewhat weaker (30,000): it was, however, strongly posted on the farther bank of the Boyne. William felt the necessity of a decisive battle, and, after so much civil turmoil (ch. xii., §§ 1-9), longed for the whistling of the shot he loved. His men struggled bravely across the river, and though the Irish infantry, demoralised by a long course of plunder, soon broke and fled, the cavalry did not give way—and that in good order—until William's advance with the left counteracted the confusion which their efforts and Schomberg's death had caused. In retiring, the cavalry assisted the new French troops under Lauzun to cover the escape of the fugitives, who else must have been cut to pieces in crowding through the narrow pass of Duleek.

The Battle of Oldbridge, or the Boyne, July 1, 1690.

James early withdrew from the battle to Dublin, and, after telling the Corporation that the Irish were cowards, resumed his flight, *viâ* Kinsale, to France. William entered the capital, and proceeded in triumph as far as Limerick. Lauzun would have nothing to do with a town whose "walls might be battered down with roasted apples"; but the Irish made a sturdy stand there. Their bravery, together with Patrick Sarsfield's successful sally to destroy the approaching siege-train and the flooding out of the besiegers, caused William to retire. He returned to England, leaving Marlborough to overrun the South, and capture Cork and Kinsale in five weeks' combined operations by land and sea. At the end of the year the country was about equally divided between the two sides, and was throughout exposed to the depredations of the tories or *rapparees*. In order to restore peace, and to set his own troops free for service abroad (ch. xii., §§ 7, 10, 11), William offered to guarantee to the Romanists half the churches and their ancient lands.

The Irish Flight of James.

§ 17. In the campaign of 1691 new and able generals were engaged on either side. St. Ruth came over from France, and with the aid of Tyrconnel restored some measure

of union and order to the Irish forces. Ginkel commanded for William, and, after forcing the passage of the Shannon, under great difficulties and five feet of water, was able to capture Athlone and force St. Ruth to retreat. At Aughrim, some thirty miles south-west of Athlone, he took up a position protected by a bog: the turning of which by Mackay (cf. ch. xii., § 3), and the death of St. Ruth, resulted in the rout of the Irish, with a loss of over 6,000. Galway soon fell before Ginkel, and early in August Limerick again became, as in 1651 (§ 11), "the last asylum of the vanquished race." But Sarsfield, left by the death of Tyrconnel in a much-disputed authority, was, after nearly two months' fighting, compelled to surrender. On October 3 the opposing generals signed a capitulation, and William's Lord-Justices agreed to some further stipulations: these agreements are collectively known as *the Treaty of Limerick*:—

The Treaty of Limerick, October 3, 1691.

i. *Military Articles*: all Irish officers and soldiers, if willing, together with their "families, household stuffs, plate, and jewels," to be conveyed free of charge to France.

ii. *Civil Articles.* (1) *Religion*: "that the Roman Catholics shall enjoy such privileges for the exercise of their religion as are consistent with the laws of Ireland, or as they did enjoy in the reign of Charles II." (2) *The Property and Social Immunities* enjoyed by certain inhabitants of Ireland (somewhat vaguely defined) in the reign of Charles II. to be guaranteed.

Only the military part of the treaty was fulfilled. Some 34,000 Irish soldiers were conveyed to France, partly by a large French fleet which arrived too late for the fighting, partly in ships provided by William. The majority of them went to augment the "Irish Brigade" of the French Army, which, constantly recruited both from their children and from Ireland, struck many a hard blow against Great Britain during the following century. Others took service elsewhere, and, as an Irish patriot has said, "fought under every European flag save one."

The Irish Brigade.

§ 18. The civil treaty, though confirmed by William's letters-patent, and, in a mauled form, by the Irish Parliament in 1698, was systematically infringed, and has boomed through history as *the Broken Treaty*. Over one million Irish acres of land, belonging to

The Penal Code, 1692—1710.

3,921 persons, were escheated to the Crown, and caused William no little trouble (ch. xiii., §§ 10, 11). The English Parliament, in 1692, passed an anti-Romanist Act for Ireland, which closed the membership of either House of Parliament, admission to any public office, and the pursuit of the learned professions, to all Irishmen who refused to take the Oath of Allegiance, to abjure the temporal power of the Papacy, and to subscribe a declaration against Transubstantiation (cf. vol. II., p. 153 *n.*). The Irish Parliament, which, though till 1727 Romanists retained the franchise, exclusively represented the Protestant minority, followed up this statute with a series of measures gradually increasing in severity and collectively known as "*the Penal Code*" (1696—1710). This Code was based upon the supposition that Roman Catholicism was intrinsically inimical to the maintenance of English supremacy; and it therefore sought to stamp out that religion by putting grievous restrictions upon its inculcation at home or abroad, by laying every imaginable inconvenience upon its professors in their social ambitions and even in their family-life, and, above all, by rendering the retention of large landed estates in their hands all but impossible (cf. ch. xiii., § 11).

The Commercial Code, 1663—1699.

The English Protestant Ascendency which was thus established and safeguarded was allowed to pay itself for its work as "a Protestant garrison" at the expense of its Romanist neighbours, but not at the expense of England. Already in 1663 Ireland had been excluded from the benefits of the English *Navigation Act* (cf. ch. viii., § 8), and forbidden to export her surplus live-stock and provisions to England. In 1696 direct trading between Ireland and other dependencies of England or Scotland was prohibited; and in 1699 the Parliaments of both England and Ireland agreed in placing heavy duties upon the export of Irish wool and woollens even to England. The Protestant interest, thus impoverished, sought in Anne's reign to secure either union with, or independence of, the English Parliament (cf. ch. xv., §§ 5, 6); but neither prayer was granted until the British Empire was in the throes of dissolution at the end of the eighteenth century (vol. IV., ch. xxi.).

CHAPTER XVII.

COLONIES AND COMMERCE UNDER THE STUARTS.

1603—1714.

§ 1. Beginnings under the Tudors of English Maritime Power and Transmarine Colonisation.—§ 2. Colonial Achievements in James I.'s Reign: (*a*) the Foundation of Virginia, 1607: its Sequels in the Vicinity—Maryland, 1634; Carolina, 1663.—§ 3. (*b*) The Foundation of New England, 1620—1640: the Pilgrim Fathers; John Robinson and Roger Williams.—§ 4. (*c*) The Foundation of French Settlements on the S. Lawrence, 1608, and of Dutch Settlements on the Hudson, 1613: European Competition for North America down to *the Peace of Utrecht*, 1713-5.—§ 5. Ecclesiastical, Civil, and Economic Aspects of English Colonisation in North America.—§ 6. Tropical Settlements: (*a*) Plantations in the West Indies; (*b*) Trading-Stations in West Africa.—§ 7. England and the East: (*a*) the Quest of a North-West Passage and other Enterprises in Navigation.—§ 8. (*b*) The East India Company: its first century of development at home and in the Orient.—§ 9. (*c*) The Scottish Darien Company, 1695—1699; the British South Sea Company, 1711.

Tudor Beginnings: i. Maritime Power.

§ 1. The defeat of the Spanish Armada in 1588 not only vindicated the right and ability of England to stand alone, and, by removing external danger, made it possible for the Parliament and the Kingship to enter into that struggle for mastery which was settled just a hundred years later (ch. xi., § 12), but also marked the dramatic appearance of England as a maritime power (vol. II., ch. ix., §§ 9-11). It was in this last aspect that England made the biggest strides during the years whose international and constitutional history has been sketched in the preceding chapters: it was under the Stuarts that Englishmen successfully accomplished many things which had been visionary or experimental under the Tudors. During the latter half of the sixteenth century English seamen made themselves familiar with the New World, and sought to discover a route of their own to the Indies; and their activity in each respect, like the contemporary activity of the Dutch in the same directions (§§ 4, 8),

was part of the national conflict with Spain, which, after the conquest of Portugal in 1580, claimed the exclusive right of dealing both with America and with the East (vol. II., Intro., § 20; ch. ix., § 1; ch. xi., §§ 12-14).

ii. Transmarine Colonies.

Some daring spirits, not content with finding their way across untraversed seas or with paying surprise visits to the Spanish settlers upon their unknown coasts, aspired to found a New England upon that part of America which faces these islands. Ralegh especially was confident of his colonial venture there: "I shall live," he said, "to see it an English nation." And so he did; but in its actual foundation he was not destined to take part (cf. ch. i., §§ 5, 20). When Elizabeth died, England did not effectively occupy a single foot of territory beyond its own borders except the Channel Islands and its recent conquest, Ireland: it did not even own the Isle of Man (till 1765). Yet English explorers like the Cabots, Drake, Gilbert, and Ralegh had not worked in vain *: in the happy phrase of Lord Rosebery—speaking of the African pioneers of our own day—"they had pegged out claims for posterity."

The Foundation of Virginia, 1607—1624.

§ 2. It was in the reign of James I. that many of those claims began to be seriously worked. The constant bickerings between King and Parliament and James's "inglorious" fussiness abroad are apt to blind us to the fact that it was under his patronage that England first planted its foot firmly in North America, where now dwell the vast majority of the English-speaking race. Contemporaneously with the search for a North-West Passage (§ 7), with a series of prosperous voyages round the Cape to the East Indies (§ 8), and with the beginning of our West Indian plantations (§ 6), the English took root on the neighbouring mainland. In 1606, after Ralegh's attainder (ch. i., § 5), the vast region to which he had, courtier-like, given the name of "Virginia," and which he had now forfeited by his "treason," was allotted by James I. to two groups of English speculators:

* The best small manuals on the subjects outlined in this chapter are the following: SEELEY'S *Expansion of England* (Macmillans, 4*s.* 6*d.*); CALDECOTT'S *British Colonisation and Empire* (Murray, 2*s.* 6*d.*); SIR ALFRED LYALL'S *Rise of British Dominion in India* (Murray, 4*s.* 6*d.*); and DR. CUNNINGHAM and MISS MCARTHUR'S *Outlines of English Industrial History* (Cambridge Press, 4*s.*). A short sketch of the American Colonies is contained in J. A. DOYLE'S *America* (Macmillans, 3*s.* 6*d.*).

to the London Company was assigned the tract lying between parallels 34° and 38° N.; to the Plymouth Company that between parallels 41° and 45° N. The intervening district, left open to the competition of both, fell to neither, but was in part grabbed by the Dutch in 1613 (§ 4). The Plymouth Company achieved nothing, and the first English settlement in the land assigned to it was made without its leave (§ 3). The London Company, on the other hand, sent out in 1607 the hundred colonists who founded Jamestown, and who, after several years of despair and many reinforcements, established themselves securely in the district to which the name VIRGINIA* is now confined. In 1619 the first cargo of negro slaves was unloaded in the colony by a Dutchman, and a representative assembly, which is held to be the badge of "freedom," made its first appearance in the colony under the style of House of Burgesses. Five years later James filched the charter from the Company, now that it had begun to make money out of its patriotic enterprise, and Virginia became a crown-colony.

Virginia's Neighbours: Maryland, 1634; Carolina, 1663.

The lands contiguous to Virginia lay long unoccupied. In 1634 Cecil Calvert, the second Lord Baltimore, planted on the north side of the Potomac the settlement for which his father had obtained a charter, and which he named MARYLAND in honour of Charles I.'s wife (ch. ii., § 1). In 1663 Charles II. granted to a septett of his restorers, including Clarendon, Albemarle, and Ashley Cooper, a large block of land south of Virginia; extending as far down the coast as the S. John River, Florida. This tract was now rechristened Carolina, as it had already been named in a grant made by Charles IX. of France; and the capital that was planted at the point where the Ashley and the Cooper Rivers join one another and the sea was called Charles Town, or later Charleston. The first settlers migrated from Virginia, but in 1670 these were supplemented direct from England. It was not till 1712 that the region was split up into two—NORTH CAROLINA and SOUTH CAROLINA.

* The twelve names thus printed in capitals in §§ 2-4 are those of the Colonies which were parties to the *Declaration of Independence*, July 4, 1776, and the earliest to be admitted to the federation entitled the "United States of America," 1787—1790. GEORGIA, founded in 1733, completed the tale of "the Thirteen Colonies."

§ 3. The year 1607 witnessed not only the beginnings of Virginia (§ 2), but also the first move towards the beginnings of New England. In that year a congregation of Separatists at Scrooby in the Isle of Axeholme crept across by driblets to the United Provinces, hoping to find shelter there against James I.'s enforcement of the ecclesiastical laws of the land (cf. ch. i., §§ 7, 8; vol. II., ch. viii., §§ 6-8). After a short sojourn at Amsterdam, a considerable section of them moved on to Leyden, and in the course of ten years increased so as to number no less than three hundred church-members. Fearful of ceasing to remain Englishmen, and longing to return to the agricultural life which they had exchanged for the irksome life of cities, a body of them resolved to settle in America. With this object they obtained funds on hard terms from a group of London capitalists, and some unwritten half-and-half permission from Government to settle in South Virginia. They crossed to England in the *Speedwell*, and, after several misadventures and futile starts in that vessel, quitted Plymouth in the *Mayflower*, September 16, 1620. Finding themselves unable to beat past Cape Cod to their destination, they made up their minds to land in the unattempted tract of North Virginia. On November 21, while the *Mayflower* lay in Provincetown Harbour, the emigrants formally bound themselves to be loyal subjects to the King, and to obey the laws which they should themselves lay down for the general weal: it was a genuine and deliberate specimen of a social contract such as some of the political philosophers of the century feigned to be the historical origin of all civil government (cf. ch. xi., § 10). Precisely one calendar month later they landed on "Plymouth Rock."

"The Pilgrim Fathers," 1607—1620.

The total company mustered one hundred and two. Of these some were hired servants, but the majority were religious exiles. It is from the latter element that the whole body is styled "the Pilgrim Fathers." The name "Pilgrim" is an echo of a phrase in *the Epistle to the Hebrews* (ch. xi., *v.* 13), as the name "Separatist" is an echo of a quotation from S. Paul on which they based their claim to abandon the Church of England (2 Cor. vi., *v.* 17). Their distinctive religious

Church-Ideals of John Robinson.

principle was that a church is a voluntary association, whose spiritual activity must not be controlled by any outside body, and which must seek to exercise no forcible control over others (cf. ch. v., § 11). Thus the man whom they chose as Captain against the Indian aborigines, and whom Longfellow has immortalised in his *Courtship of Miles Standish*, was in all probability a Roman Catholic. The reason for this new policy of a "free church" and "toleration" was that they did not believe in the finality of God's revelation. John Robinson, their pastor at Leyden, "was very confident that the Lord had more truth and light yet to break forth out of His Holy Word"; and his spiritual descendant Lowell in his *Bibliolatres* was only paraphrasing this sentiment when he wrote—

"Slowly the Bible of the race is writ."

Massachusetts, 1629, and the rest of New England.

The Pilgrim Fathers were the first to break ground in New England. Their brethren who flocked after them, though ordinarily *Puritans*, were very far from being invariably *Separatists*. The Puritan refugees, for instance, who in 1629 founded MASSACHUSETTS (ch. ii., § 11), established a church on the model to which they wished to transform the Mother Church of England: as in England, those who were not church-members were excluded from political rights, and if actively disobedient to the Church were liable to punishment. When therefore Roger Williams, minister of Salem, began to preach that "no one is bound to maintain a worship against his own consent," he was banished from Massachusetts, and in 1635 started a colony based on the principle of complete religious equality. Providence, as he called it, was the nucleus of the colony of RHODE ISLAND, for which he secured a charter from the Long Parliament in 1644 (cf. ch. v., § 11). Maine, which momentarily separated from NEW HAMPSHIRE a few years after its foundation in 1627, and which became subject to Massachusetts, adopted Anglicanism on the lines of the old country. The several colonies to the west of Rhode Island, which in 1639 met together and drew up a common constitution for CONNECTICUT, adopted Williams's principle of religious equality; and in the new charters issued by William and

Mary after the Protestant Revolution that principle was accepted throughout these colonies to a far greater extent than in the Mother Country (ch. xii., § 6).

Newfoundland and Nova Scotia, 1610—1713.

§ 4. Over and above these successful English beginnings in the South (§ 2) and in New England (§ 3), the reign of James I. witnessed several other British attempts which, failing for the moment, later attained fruition, and several foreign colonial essays which succeeded and caused us no little trouble. Among the British failures may be mentioned the endeavour of the Scotsman Sir William Alexander to establish himself in Nova Scotia, **1621**, and the renewed efforts of Lord Baltimore and others from **1610** onwards to make permanent settlements in Newfoundland, which we claimed in right of first discovery (vol. II., Intro., § 20). By the *Anglo-French Treaty of Utrecht*, **1713**, our claims to Nova Scotia—part of the region which the French called Acadie—to Newfoundland, and to the lands round Hudson's Bay—claimed by Prince Rupert's English Company in **1670**—were once for all admitted; but there were reserved to the French along "the French Shore" of Newfoundland certain fishing and other rights, which have ever since been a cause of friction between the two countries (ch. xiv., § 17).

The Dutch on the Hudson, 1613—1664; Pennsylvania, 1682.

In **1608** the French under Champlain achieved their first permanent settlement upon the S. Lawrence: in **1613** the Dutch planted themselves on Manhattan at the mouth of the river which the Englishman Henry Hudson had, four years previously, explored in their service and marked with his name (§ 7). The Anglo-Dutch rivalry was short-lived. The Dutch conquered the settlement which the Swedes had made upon the Delaware (**1638—1654**), and were themselves overpowered by an English fleet in **1664**. They resumed their own for a moment in the third Anglo-Dutch War (ch. ix., § 2), but were bought out at the peace of **1674** by cessions in the Spice Islands and Guayana (§ 6). The Dutch lands were divided into the colonies of NEW YORK and NEW JERSEY; in **1682** William Penn, the Quaker, obtained from his friend Charles II. a charter and a grant of 48,000 square miles west of the River Delaware,

which became the colony of PENNSYLVANIA; and of this colony the tract which had erewhile been New Sweden formed a part until, in 1776, it asserted its independence as the State of DELAWARE.

The French on the S. Lawrence and Mississippi, 1608—1713.

The Anglo-French rivalry proved more serious. Not only did they obtain such a hold upon the Lower S. Lawrence that in our own day, after over a century of British rule, they are more French than the inhabitants of France, but in the year of Penn's enterprise La Salle pushed over from Lake Michigan, and, dropping down the Illinois and Mississippi Rivers, reached the Gulf of Mexico, and annexed the whole country under the name of Louisiana. If the French once entered into aggressive occupation of this vast territory, the natural Hinterland of our own colonies, they were bound to dominate the continent of North America, to the exclusion of both the English and the Spaniards, who held Florida and the undefined recesses of New Mexico. This danger was hardly perceived till the time of the Georges, when it became the centrepiece of a world-wide struggle between England and France (cf. ch. xiii., § 8; vol. IV,, ch. vii.).

But already during the Stuart period the English and the French colonists were at issue on minor points. In 1613 the Virginian Captain Argall destroyed a French Jesuit station on the Penobscot River, which fell within the limits assigned to the Plymouth Company (§ 2); and in the following year Argall trespassed beyond these limits into Acadie, and effected the first English capture of Port Royal, which on its final capture by New Englanders in 1710 was renamed Annapolis, after the reigning Queen. In 1628 the brothers Kirke of London defeated a powerful French fleet in the S. Lawrence, and next year compelled Champlain to surrender Quebec, which however did not finally pass into British hands till Wolfe scaled the Heights of Abraham, a hundred and thirty years later. In the wars at the end of the period—known respectively in America as "King William's War" and "Queen Anne's War"—there was a succession of plunderings, captures, and recaptures, issuing altogether in favour of England at the *Anglo-French Treaty of Utrecht*, 1713 (ch. xiv., §§ 17, 20).

§ 5. The plantation of Englishmen upon fresh soil did not necessarily mean the wholesale transplantation of English institutions; nor were the relations of the colonists to the Mother Country quite like those now existent. In the first place, the extension of the English State was not accompanied by an organic extension of the English Church. Some of the Puritan colonies, as well as Maryland,—which was originally a Roman Catholic foundation, but later became strictly Anglican,—were based upon religious toleration (§ 3). Others set up exclusive Church systems after their own heart; and even in Virginia, Carolina, etc., where the Church of England was established "as in England," no serious attempt was made to supply the hierarchical system to which in England so much importance was attached. After the Protestant Revolution the American Churches were, as a rule, left free to develop according to the tastes and conditions of the colonists; and, even where there was an establishment, it was so unsystematic and tolerant that *nonconformity* became a meaningless term (cf. ch. viii., § 4).

Colonial Institutions: i. Ecclesiastical.

The civil institutions of the Colonies were similarly characterised by a thoroughly English lack of uniformity. In New England, where small farms, cultivated by the yeoman class, abounded, the main governmental area was the township, here called by the older name of *town* (*tun*); and, as a rule, all freeholders had a right to take an equal share in the town-meeting. In Virginia and the neighbouring colonies, where the large plantations were worked mainly by slave-labour, the work of government was vested in the gentry who owned those plantations, assembled in county-courts which resembled the quarter sessions of the homeland. The intervening colonies either combined or wavered between the town- and the county-organisation of government. Further, in most of the Colonies there sprang up either elected or nominated "general courts"—miniature parliaments working in acknowledged subordination to the King and to the charter of the colony. Some of the Colonies were royal provinces, some were *proprietary*—that is, belonged to individual or associated capitalists. In the latter the Home Government

ii. Civil.

interfered but little; in the former the Crown earned most respect when it confined its interference to the appointment of governors. Charles II. exhibited his interest in our commercial development by calling into existence two new committees of the Privy Council—the Boards of Trade and of Plantations, which were amalgamated in 1672—for the supervision of the Colonies. The joint board was abolished in 1675, and revived in 1695. While it was in abeyance, the Crown made somewhat ostentatious assertions of its legal powers: in 1684 the charter of Massachusetts was cancelled and Sir Edmund Andros appointed governor, with instructions to seize the charters and remodel the governments of the neighbouring colonies. The attempt was like the home attempt to regulate the town corporations (ch. ix., § 24), and had like effects: New England joined as heartily as the Mother Country in the ejection of the Stuarts.

iii. Economic: The English *Navigation Acts*, 1651—1673.

In one matter, however, the Colonies brooked constant interference from home, and that was the regulation of their commerce, both one with another and with the outside world, not only by the Crown, but also by the English Parliament. Yet those commercial regulations were framed almost entirely in the interests of the Mother Country, which thus sought indirectly to recoup itself for the expenses that it fancied itself to have incurred in the creation, and actually did incur in the preservation, of the Colonies. The *Navigation Act* of 1651 excluded as far as possible foreigners from the trade of England and its dependencies (ch. vi., § 6). Unlike its successor, it was imperial in scope, and did not seek to benefit one part of the British dominions at the cost of the others. The *Navigation Act* of 1660 confined the colonial trade absolutely to English vessels, and forbade the export of the colonial products for which there was most demand in England—sugar, tobacco, ginger, indigo, cotton, etc.—except to England itself. The Act of 1663 made it impossible for colonial traders to Europe to carry a return cargo except from England; and the Act of 1673 laid intercolonial traffic under severe restrictions. This economic policy was the main cause of the friction which led up to the American Revolution (1765—1783), and

to the inauguration of a new commercial policy, which has allowed the self-governing Colonies to protect their industries against those of the Mother Country, and has even exposed the Home Government to the charge of favouring India, a dependency, at the expense of Lancashire (vol. IV., ch. x.).

§ 6. In these commercial regulations the colonies which produced the same kind of things as England usually came off worst: thus New England fared worse than Virginia, Virginia than the West Indies. The plantations in the West Indies differed from those on the neighbouring mainland in being much more exclusively operated by slave-labour, and in producing things for which England must otherwise have been beholden to France or Spain. Barbados was the first of those islands to be occupied by Englishmen (1605), and, after being disputed by several grantees, reverted to the Crown in 1663. S. Kitts was settled in 1623, and at the *Peace of Utrecht* became wholly English by the cession of the French rights over the portion settled by Frenchmen (ch. xiv., § 17, *sub* I. i.). But the most important island was Jamaica, the third largest of the entire group, which was taken from Spain in 1655 (ch. vii., § 4).

Tropical Settlements: i. West Indies.

Similar to the West Indies in being tropical or sub-tropical, dissimilar in being occupied rather for trade than for agriculture, were the settlements, made chiefly for the purpose of gathering negro-slaves, on the West Coast of Africa. The Gambia was thus occupied in 1618; the island of Goree was seized from the Dutch in 1661 (cf. ch. viii., § 8); and in 1672 the Gold Coast, which the Dutch had taken from the Portuguese, was granted by Charles II. to the Royal African Company.

ii. West Coast of Africa.

§ 7. The English trade with the East, no less than the effective settlements in North America (§§ 2-4), in the West Indies, and in Africa (§ 5), really began in James I.'s reign. But while the Cape of Good Hope route now came into regular use (§ 8), attempts were still vigorously made to find a way of our own to the East. There was as yet a very dim idea of the breadth of the North American Continent, and Englishmen still flung themselves against the northern icebergs in

The Quest for North-West Passage to the East, 1585—1632.

the hope of discovering a practicable North-West or North-East Passage to the Indies (vol. II., ch. xi., §§ 12, 13). The great English pioneer in the North-West was John Davys, who fell a victim to Malay treachery off Malacca at the end of 1605. But he found worthy successors in men whose monuments are the chief place-names on the maps of that region. Henry Hudson undertook four voyages to the Polar Seas, 1607—1611, and was on July 21, 1611, cast adrift by mutineers to perish in the sea which bears his name, and which Sir Thomas Button proved in 1612 to be simply a land-locked bay. William Baffin acted as pilot in no less than five voyages to the North-West; and in the last one, made by the *Discovery*, with Robert Bylot as Captain, he reached as far as 78° N., which remained the limit attained in this direction down to Ross's voyage in 1816. Baffin gave his name to Baffin Bay, which has since turned out to be a sea, and commemorated the name of the chief stimulator of these enterprises by calling the strait at which he stopped "Sir Thomas Smith's Sound." After the voyages of Luke Fox and Thomas James to Hudson's Bay in 1631-2, the idea of a North-West Passage was given up as chimerical.

William Dampier, 1679—1718.

At the end of our period some attention was paid to the region beyond the Spice Islands—to the vaguely known mass then termed New Holland, now Australia. William Dampier, who had won his spurs as a navigator in some twelve years' buccaneering in the Atlantic and Pacific (1679—1691), was placed by William and Mary in charge of an expedition which resulted in the discovery of Dampier's Passage and the Dampier Archipelago (1699—1701), and indirectly gave rise to the incidents upon which are based Defoe's *Robinson Crusoe* and Coleridge's *Ancient Mariner*.

The East India Company, 1600—1709: i. Its Home Developments.

§ 8. Commerce with distant countries, like colonisation, was mostly undertaken by associated effort. It was necessary that many should join together to share the risks and expenses incurred to secure and maintain a footing in foreign lands, and for the mutual protection of the traders from the pirates who swarmed in all seas, and from the onslaughts

of the native populations among whom they might need to dwell as aliens. Of all the companies formed for trading purposes, the most illustrious, both for length of days and for its achievements, was the East India Company. On December 31, 1600, Elizabeth granted a charter to "the Governor and Company of Merchants of London trading into the East Indies." Its first twelve expeditions were run as "separate voyages": those who subscribed to each venture divided the nett profits among them in proportion to the amount of their subscription—and the profits for these voyages averaged 138 per cent. After 1612 the "joint stock" voyages began: that is to say, the trading was carried on by the paid agents of the Company and its profits divided annually among its stockholders. Though railed against as a monopolist, and as ruining England by draining it of its bullion, the Company held its own, not only against foreign competition, but also against the competition of such "interlopers" as those who in 1698 were incorporated as "the English Company." Four years later the two companies began to pool their receipts; and in 1709 Godolphin succeeded in amalgamating them as "the United Company of Merchants trading to the East Indies," or, in shorter phrase, "the Honourable East India Company" (ch. xiii., § 8).

ii. Its Development in the Orient.

Elizabeth's East India Company was started in opposition to the Dutch, and for three-quarters of a century—until the political exigencies of the United Provinces compelled them to cultivate the friendship of England (ch. ix., §§ 1, 2)—it carried on a restless struggle with them. At first the cockpit was the Spice Islands, from which, soon after the Massacre of Amboyna, 1624 (ch. i., § 20), they ousted the English as they were already ousting the Portuguese, and from which the English Company again retired in 1667 by the cession of Pularoon (ch. viii., § 8). Meanwhile the Company had in its third voyage, 1607, opened up communications with Hindustán, and though it often maintained factories in Persia and Japan, it gradually came more and more to centre its attention in the Indian Peninsula. The mission of Sir Thomas Roe to Agra in 1615-6 won the good-will of the principal Indian potentate—Jahangír, the Great

Múghal—who in 1612 allowed the Company to occupy a factory at his chief port, Surat. In 1685 the headquarters on the Malabar Coast were transferred to Bombay, the island which formed part of the dowry of Charles II.'s Portuguese wife (ch. viii., § 7). Meanwhile a Hindu prince in the Carnatic had leased to the Company a few square miles of land, on which was built Fort S. George or Madras (1639), and during the years 1686—1696 the Nawáb of Bengal permitted the Company to build Fort William, Calcutta. These places were as yet mere emporia, and when Queen Anne died no one dreamt that they would grow into a vast *imperium*.

The Scottish Darien Company, 1695—1699.

§ 9. About the time of Dampier's great voyage (§ 7), the Scots made a bold bid for the Indian trade against the English East India Company (§ 8; cf. ch. xiii., § 8). The scheme was devised by Robert Paterson, the original promoter of the Bank of England (ch. xii., § 13), and was sanctioned by a royal charter authorised in the Scots Parliament of 1695. It was proposed to adopt the western route to the East, not however as the Canadian Pacific Railroad does to-day across the broadest, but across the narrowest, part of America. In 1698 some twelve hundred Scots adventurers settled in the Isthmus of Darien, and a second body of eighteen hundred went out next year. The failure of "New Caledonia" was due partly to the unhealthiness of the climate, partly to the hostility of Spain. Its inception helped to induce Charles II. of Spain to make his will in favour of the Bourbons (ch. xiv., § 5): its failure intensified the ill-feeling between England and Scotland (ch. xv., § 5).

The South Sea Company, 1711.

In 1711, four years after Scotsmen had been placed upon an equal footing in trade with Englishmen (ch. xv., § 6), Harley obtained from the united British Parliament a charter incorporating a group of government creditors as the South Sea Company, and granting thereto a monopoly of trade with the Spanish Americas. At the moment this was an act of war against the Bourbons; but two years later the South Sea Company contrived to secure the trade-privileges in that region legally extorted from Spain at Utrecht (ch. xiv., §§ 17, 20).

APPENDIX I.

Illustrations: Social and Political (1603–1714).

The real spirit of these or any other times, being of its very nature something fluid or even gaseous, cannot be cooled down, condensed, solidified as it were within the few rigid lines that can here and there be spared it in a text-book of this kind without undergoing a total change of state. The student is therefore invited to clothe with flesh and blood the skeleton here presented, and inform it with life by reading, if not the larger professedly historical works on the period by Gardiner, Ranke, Forster, Inderwick, Macaulay, Mahan, Hallam, at least some of the appended lighter literature. Some of the lesser known titles are taken from a list based on Mr. Courthope Bowen's *Descriptive Catalogue of Historical Novels and Tales* (Stanford, 1*s.* 6*d.*).

Asterisks (**) mark the books specially recommended.

N.B.—The books enumerated *sub* "I." are in no sense meant to be a "List of Authorities," such as are given at the beginning of each of Dr. Bright's volumes, and in the section-headings of Green's *Short History*. They are a selection of Contemporary Literature suitable for "Arm-Chair" reading: for guidance in perusing them the student may with advantage turn to the several parts of Mr. Low's *Intermediate Text-Book of English Literature* in this Series.

I. CONTEMPORARY:—

(1) *Poetry:* Wilkins' *Political Ballads in the 17th and 18th Centuries*, Vol. I.; some such collection of minor poems as *Cavalier and Courtier Lyrics** (Scott's "Canterbury Poets," 1*s.*), or *Seventeenth Century Lyrics* (Percival's "Pocket Library," 3*s.* 6*d.*); Milton's *Comus, Sonnets,** and *Samson Agonistes* (at least); Marvell's *Poems**; Dryden's *Poems** (Christie's selection); Butler's *Hudibras**; Defoe's *True Born Englishman* (1701); Addison's *Campaign* (1704).

(2) *Prose:* Browne's *Religio Medici** (1642); Chillingworth's *Religion of Protestants* (1637); Taylor's *Liberty of Prophesying* (1647); Milton's *Areopagitica,** etc.; Dorothy Osborne's *Love Letters*; Hobbes' *Leviathan** (ch. 13—30); Harrington's *Oceana*; Bunyan's *Pilgrim's Progress,** etc.; Prior's *Town and Country Mouse*; Defoe's *Shortest Way with Dissenters* (1703), *Plague Year,** *Robinson Crusoe,** etc.; Arbuthnot's *John Bull* (1713); Pepys' *Diary** (1659—69); Evelyn's *Diary* (1641—97); Grammont's *Memoirs*; Baxter's *Autobiography*; Baillie's *Letters and Journals*; Carlyle's *Cromwell's Letters and Speeches**; Mrs. Hutchinson's *Life of Col. Hutchinson*; North's *Lives of the Norths*; Locke's *Letters on Toleration* (1689-92), and *Civil Government* (1690); Addison's *Spectator*.

II. Modern Poems and Romances:—

(1) **James I.** Scott's *The Fortunes of Nigel* * ; Ainsworth's *Lancashire Witches* *, *The Star Chamber* *, and *Guy Fawkes* * ; E. E. Green's *Lost Treasure of Trevelyn* (1605).

(2) **Charles I.** (*a*) *Plays and Poems*: Browning's *Strafford* * ; Wills's *Charles I.* ; Dickinson's *From King to King* * ; Victor Hugo's *Cromwell* ; Scott's *Rokeby* (1644).

(*b*) *Novels* : Shorthouse's *John Inglesant* * ; Whyte - Melville's *Holmby House* ; Mayne Reid's *The White Gauntlet* ; Marryat's *The Children of the New Forest* ; Horace Smith's *Brambletye House* ; G. P. R. James's *The Cavalier* ; Q.'s *The Splendid Spur* * ; Ainsworth's *Leaguer of Latham* ; A. J. Church's *With the King at Oxford* ; Emma Marshall's *Dame Alicia Chamberlayne* (1643) ; J. S. Fletcher's *When Charles I. was King* ; Edna Lyall's *To Right the Wrong* *.

(3) **The Commonwealth.** Scott's *Woodstock* * ; Ainsworth's *Boscobel*; G. P. R. James's *Henry Masterton* ; Horace Smith's *Oliver Cromwell* ; Manning's *Diary of Mary Powell* (Milton) ; David Ker's *Prisoner among Pirates* (Blake) ; M. K. Macmillan's *Dagonet the Jester*.

(4) **Charles II.** Ainsworth's *Old St. Paul's* * (1665-6) and *Talbot Harland, The Carved Cartoon* (1665-6) ; Grant's *Captain of the Guard* ; Scott's *Peveril of the Peak* * (1678) ; Edna Lyall's *In the Golden Days* * (1679-83) ; Marshall's *In the Service of Lady Russell* (1683).

(5) **James II.** Blackmore's *Lorna Doone* * ; Conan Doyle's *Micah Clarke* * ; Besant's *For Faith and Freedom* * ; M. and C. Lee's *The Oak Staircase* ; C. M. Yonge's *The Danvers Papers* (all the above on Sedgemoor) ; Horace Smith's *Walter Colyton* ; G. P. R. James's *The Fate* ; C. M. Yonge's *The Last of the Cavaliers* (The Revolution).

(6) **William and Mary.** Q.'s *Blue Pavilions* ; G. P. R. James's *The King's Highway* ; Banim's *Boyne Water* ; S. R. Keightley's *The Crimson Sign*, and Henty's *Orange and Green* (Ireland, 1689-91) ; Emma Marshall's *Kensington Palace in the Days of Queen Mary* ; Crona Temple's *Princess Louise* (James in Exile).

(7) **Anne.** Thackeray's *Esmond* * ; Margaret Wood's *Esther Vanhomrigh* * ; Lady Duff Gordon's *Stella and Vanessa* (Swift) ; Ainsworth's *St. James's* ; Henty's *Cornet of Horse* (Marlborough).

(8) **Scotland.** Scott's *Legend of Montrose*,* *Old Mortality* * ; Grant's *Scottish Cavalier* ; Callwell's *Dorothy Arden* ; Crockett's *Men of the Moss-Haigs* * (1678-81) ; D. L. Johnstone's *Brotherhood of the Coast*.

(9) **America.** Hawthorne's *The Scarlet Letter* * and *Twice-Told Tales* ; Longfellow's *Courtship of Miles Standish* * and *New England Tragedies* ; Whittier's *Poems and Lyrics of New England* ; Carpenter's *The Woman of Shawmutt* ; Conan Doyle's *The Refugees* * (part in France).

(10) **The Indies.** Meadows-Taylor's *Tárá* (Maráthás, 1657) ; Leyland's *For the Honour of the Flag* (1650-60) ; Bloundelle-Burton's *The Hispaniola Plate* * (1683) ; Sidney C. Grier's *In Furthest Ind* (*c.* 1697).

(11) **The Continent.** Stanley Weyman's *The Man in Black, Under the Red Robe* * (Richelieu) ; De Vigny's *Cinq-Mars* (1641) ; Dumas' *Three Musqueteers* * (1628), and *Twenty Years After* (1648) ; Manzoni's *Betrothed* (1628) ; Henty's *Lion of the North* (Gustav Adolf) ; Grant's *Philip Rollo*,* Weyman's *My Lady Rotha*,* and Grimmelshausen's *Simplissimus* * (Thirty Years' War: the last-named is contemporary).

Year.	Archbishop of Canterbury.	Governor of Ireland*.	Lord Chancellor.†	Lord President of the Council.
1603	John Whitgift, since 1588.	Lord Mountjoy.	Sir Thos. Egerton, aft. Ld. Ellesmere, L.K.,	.. ..
1604	George Abbot.	Sir Geo. Carew.	then L.C.	
1609	.. ..	Sir Arthur Chichester.		
1612	.. ..	.. ..	.. ..	.. ..
1614	.. ..	.. ..	.. ..	.. ..
1616	.. ..	.. ..	.. ..	.. ..
1617	.. ..	Sir Oliver St. John,	.. ..	.. ..
1618	.. ..	Lord Grandison.	Francis Bacon,	
1619	.. ..	.. ..	aft. Visc. St. Albans,	
1620	.. ..	.. ..	L.K., then L.C.	.. ..
			.. ..	
1621	.. ..	.. ..	John Williams, aft.	.. ..
1622	.. ..	Henry O'Cary, Visc.	Bp. of London, L.K.	.. ..
1624	.. ..	Falkland.	with Comm.	
1625	.. ..	.. ..	Sir Thomas, aft. Ld.,	
1628	.. ..	.. ..	Coventry, L.K.	.. ..
1629	.. ..	Sir Adam Loftus, Visc.	.. ..	
1630	.. ..	Ely, and Rich. Boyle,	.. ..	Notes.—The *Lord Presidency* did not become important until Temple's reconstitution of the Privy Council in 1679 [ch. ix., § 14].
1632	.. ..	E. of Cork, L.J.		
1633	William Laud.	.. ..	.. ..	
1635	.. ..	Sir Thomas, Visc.	.. ..	
1636	.. ..	Wentworth.	.. ..	
		Absent: Loftus and	.. ..	
		Christopher Wandesford, L.J.		
1639	.. ..	*Absent:* Lord Dillon		* Lords-Lieutenants are shown in capitals: others are Lords-Deputies, unless specified as L.J. ("Lords-Justices.")
		and Wandesford, L.J.	.. ..	
1640	.. ..	Wentworth, E. of	Sir J. Finch, L.K.	
		Strafford.		
1641	.. ..	Rob., E. of Leicester.	Lyttleton, L.K.	
		Absent: Sir Wm.		
1642	.. ..	Parsons and Sir John	The King.	† Lord Chancellors are shown in capitals: others are Lord Keepers or Commissioners.
		Borlase, L.J.		
1643	.. ..	.. ..	Parl. Keepers, incl.	.. ..
1644	.. ..	Jas. Butler, Marq. of	St. John.	.. ..
1645	.. ..	Ormonde: for King	Sir R. Lane, Royal L.K.	.. ..
1646	.. ..	.. ..	Parl. Keepers, incl.	
			Earls of Salisbury and	
1647	.. ..	Philip Sidney, Lord	Manchester.	.. ..
1648	.. ..	Lisle: for Parliamt.	Hy., E. of Kent, and	.. ..
			3 other Parl. Keepers.	
1649	.. ..	Oliver Cromwell.	Whitelocke, etc.	.. ..
1650	.. ..	Henry Ireton.	.. ..	.. ..
1651	.. ..	Henry Lambert.	.. ..	.. ..
1653	.. ..	Five Comm., Fleetwood and Ludlow.	.. ..	.. ..
1654	.. ..	Charles Fleetwood.	Whitelocke and three	.. ..
1655	.. ..	Five Comm., incl.	others.	.. ..
1656	.. ..	Henry Cromwell.	Nat. Fiennes, etc.	.. ..
1657	.. ..	Henry Cromwell.	.. ..	.. ..
1659	.. ..	Five Commrs., incl. Ludlow.	.. ..	.. ..

Treasury*.	Admiralty†.	Secretaries of State.		Year.
		Southern Dept.	Northern Dept.	
Sir Fulke Greville, C	Charles, Ld. Howard of Effingham, E. of Nottingham (1596), [since 1585.	Sir Robert Cecil, E. of Salisbury, since 1596.		1603
		.. ..		1604
E. of Salisbury.		Sir Alexander Hay.		1609
E. of Northampton.	.. ..	Sir Thomas Hamilton.		1612
Ellesmere, E. of	.. ..	.. ..	.. ..	1614
Suffolk, etc.	.. ..	Sir Ralph Winwood.	Sir Thomas Lake.	1616
		.. ..	.. ..	1617
Abbot, Arch., etc.	.. ..	Sir John Herbert.	.. ..	1618
.. ..	Geo., Marq., aft. Duke,	Sir Rob. Naunton.	Sir Geo. Calvert,	1619
S. Rich. Weston, C., aft. E. of Portland (1633).	of Buckingham.	.. ..	aft. Ld. Baltimore.	1620
Lionel, Ld. Cranfield	.. ..	.. ..	.. ..	1621
E. of Middlesex.	.. ..	Sir Edward, aft. Ld.,	.. ..	1622
Sir James, Ld. Ley.;	.. ..	Conway.	.. ..	1624
Weston, C.	.. ..	.. ..	Sir Albertus Morton.	1625
Weston; Francis, aft.	Buckingham assas-	.. ..	Sir John Coke.	1628
Lord Cottington, C.	sinated	.. ..	.. ..	1629
.. ..	.. ..	Sir Dudley, Ld. Carleton, aft. Visc. Dorchester.	.. ..	1630
.. ..	.. ..	Cottington; Sir Fras.	Sir Henry Vane.	1632
.. ..	.. ..	Windebank.	.. ..	1633
Archbp. Laud.	.. ..	.. ..	.. ..	1635
Wm. Juxon, Bp. of London.	Rich., Ld. Weston (I.) Algernon, E. of	.. ..	.. ..	1636
Edw., Ld. Newburgh, C.	Northumberland.			
.. ..	.. ..	.. ..	.. ..	1639
Edw. Lyttleton (I.)	.. ..	.. ..	.. ..	1640
Sir Hy. Vane on Comm.	.. ..	Sir Edw. Nicholas.	.. ..	1641
Sir John Colepepper, C.	[The King], Robt., E.	.. ..	Lucius, Visc. Falkland.	1642
Sir Edw. Hyde, C.	of Warwick, for Parl.			
Cottington.	.. ..	.. ..	eo., Ld. Digby.	1643
.. ..	.. ..	.. ..	.. ..	1644
.. ..	Arthur, E. of Essex,			1645
.. ..	Warwick, etc.			1646
.. ..	.. ..			1647
.. ..	.. ..			1648
.. ..	Dean, Popham, & Blake.			1649
.. ..	.. ..			1650
.. ..	.. ..			1651
.. ..	.. ..			1653
Bulstrode Whitelocke	.. ..			1654
I. of S, incl. Oliver	.. ..			1655
St. John.	.. ..			1656
.. ..	.. ..			1657
Bulstrode, Ld. Whitelocke, and three others	.. ..			1659

Notes.—*The Book of Dignities*, from which this table is mainly compiled, marks the years 1642-1660 as "a period of confusion" in the Secretariate. For the Secretariate at this time, see ch. xv., § 1, *n.*

* Lord High Treasurers are shown in CAPITALS: others as under "Lord Chancellor." C. = Chancellor of the Exchequer.

† Lord High Admirals are shown in CAPITALS: others are First Lords or Commissioners.

Year.	Canterbury.	Ireland.	Chancery.	Lord Presidency.
1660	William Juxon.	Geo. Monk, D. of Albemarle (*abs.*); Jn., Ld. Robarts (*abs.*).	Hyde, afterwards E. of Clarendon.	.. ..
1662	.. ..	Ormonde (now Duke).	.. ..	.. ..
1663	Gilbert Sheldon.	.. ..	.. ..	.. ..
1664	.. ..	Thos. Butler, E. of	.. ..	.. ..
1667	.. ..	Orrery.	Sir Orlando Bridgeman, L.K.	.. ..
1669	.. ..	Robarts.	.. ..	.. ..
1670	.. ..	John, Ld. Berkeley.	.. ..	.. ..
1672	.. ..	Arthur Capel, E. of Essex.	Ashley, E. of Shaftesbury.	.. ..
1673	.. ..	.. ..	Sir Heneage Finch, aft.	.. ..
1674	.. ..	.. ..	E. of Nottingham,	.. ..
1677	.. ..	Ormonde (till 1685).	L.K., then L.C.	.. ..
1678	William Sancroft, de-	.. ..	.. ..	.. ..
1679	prived for Nonjuring.	.. ..	.. ..	Shaftesbury (Ap.-Oct.) John, E. of Radnor.
1680	.. ..	.. ..	.. ..	.. ..
1681	.. ..	.. .. [Arran	.. ..	.. ..
1682	.. ..	Rich. Butler, E. of	Sir Francis North, Ld.	.. ..
1683	.. ..	.. ..	Guildford, L.K.	.. ..
1684	.. ..	Ormonde.	.. ..	Rochester.
1685	.. ..	[Clarendon.	.. ..	.. ..
1687	.. ..	Henry Hyde, E. of	Geo., Ld. Jeffreys.	Halifax: in Dec., Robt.,
1688	.. ..	Rich. Talbot, E. of	.. ..	E. of Sunderland.
1689	.. ..	Tyrconnel.	.. ..	.. ..
		King James.	Sir John Maynard, etc.	Danby, aft. E. of
1690	.. ..	King William: Sidney,	Sir John Trevor, etc.	Caermarthen and D. of
1691	John Tillotson.	etc., L.J.	.. ..	.. .. Leeds (1694).
1692	.. ..	.. ..	.. ..	.. ..
1693	.. ..	Sidney.	.. ..	.. ..
1694	Thomas Tenison.	Hy., Ld. Capel, etc., L.J.	.. ..	.. ..
	[succ. Wm. Wake, 1715].	.. ..	Sir John Somers, L.K.	.. ..
1695	.. ..	.. ..	.. ..	.. ..
1696	.. ..	[ter, etc., L.J.	.. ..	.. ..
1697	.. ..	Capel, Sir Chas. Por-	.. ..	.. ..
1698	.. ..	Ruvigny, E. of Galway,	Ld. Somers.	.. ..
1699	.. ..	etc., L.J.	.. ..	.. ..
1700	.. ..	Bolton, Galway, etc.,	.. ..	Thos., E. of Pembroke
		.. .. .. L.J.	Sir John Holt, etc.	.. and Montgomery.
1701	.. ..	.. ..	Sir Nathan Wright,	.. ..
1702	.. ..	Rochester. [L.J.	.. .. .. L.K.	Charles, D. of Somerset.
		Archbp. Marsh, etc.,	.. ..	Pembroke.
1703	.. ..	.. ..	.. .. ..	.. ..
		Ormonde: Sir Rich.		
1704	.. ..	Cox, etc., L.J.	.. .. ..	.. ..
1705	.. ..	.. ..	.. ..	.. ..
1706	.. ..	.. ..	Will., Ld. Cowper, L.K.	.. ..
1707	.. ..	.. ..	.. ..	.. ..
1708	.. ..	Pembroke.	Cowper.	.. ..
1709	.. ..	.. ..	.. ..	John, Lord Somers.
1710	Robinson, Bp. of Bris-	Wharton.	.. ..	.. ..
	tol, made Ld. Privy	Ormonde: Narcissus	Trevor, etc. Sir Simon,	.. ..
	Seal—the last clergy-	Marsh (now Archbp.	aft. Ld. Harcourt, L.K.	
1711	man to hold ministerial	of Armagh), etc., L.J.		
1712	.. .. .. office	.. ..		[by and Buckingham,
1713	.. ..	.. ..	Ld. Harcourt, L.K.	John, Duke of Norman-
1714	.. ..	.. [of Shrewsbury.	.. ..	.. ..
		Charles Talbot, D.	Harcourt.	.. ..

Treasury.	Admiralty.	Secretary: South.	Secretary: North.	Year.
Hyde, afterw. E. of C. I. of 8 (June). E. of Southampton (Sept.)	James, D. of York.	Sir Edw. Nicholas.	Sir Wm. Morrice.	1660
.. ..	.. ..	Sir Hy. Bennet, aft. E. of Arlington.	.. ..	1662
.. ..	.. ..	.. ..	.. ..	1663
.. ..	.. ..	.. ..	.. ..	1664
Albemarle (I.).	.. ..	.. ..	.. ..	1667
Clifford, etc.: Ashley, C.	.. ..	.. ..	Sir John Trevor.	1668
Coventry dropped.	.. ..	.. ..	.. ..	1669
.. ..	.. ..	.. ..	.. ..	1670
Thos., Ld. Clifford.	.. ..	.. ..	Henry Coventry.	1672
Sir John Duncombe, C Sir Thos. Osborne, aft. E. of Danby.	Prince Rupert (I.), with changing committee of 11-14 until	Sir Jos. Williamson.	.. ..	1673
.. ..	.. .. .. 1679.	.. ..	.. ..	1674
.. ..	Sir Henry Capel (I.)	Robt., E. of Sunderland.	.. ..	1677
Essex, etc., incl. Godolphin.	.. ..	.. ..	.. ..	1678
Laurence, aft. Ld. Hyde, I. of 8 incl. Sir John Ernley, Godolphin, Sir Stephen Fox.	Daniel Finch (I.), aft. E. of Nottingham, etc.	Edw., E. of Conway.	Sir Leoline Jenkins.	1679
.. ..	.. ..	.. ..	.. ..	1680
Hyde, E. of Rochester (I.); Ernley, C.	Charles II.	Sunderland.	.. ..	1681
.. ..	.. ..	.. ..	Sidney Godolphin.	1682
Rochester (Feb.)	James II., ass. by	.. ..	Chas., E. of Middleton.	1683
John, Ld. Bellayses (I.)	Secr. Pepys.	.. ..	.. ..	1684
Ernley, Godolphin.	.. ..	Sunderland.	.. ..	1685
Chas., Visc. Mordaunt.	Arthur Herbert (I.)	.. ..	.. ..	1687
I. of 5.	aft. Lord Torrington.	Charles, E. of Shrewsbury.	Rich., Visc. Preston.	1688
Sir J. Lowther, I. (Mar.),	Pembroke, with	Henry, Visc. Sidney.	Dan., E. of Nottingham.	1689
Ld. Godolphin, I. (Nov.)	Comm. of 5.	.. ..	.. ..	1690
.. ..	.. .. .. [(I.)	.. ..	.. ..	1691
.. ..	Chas., Ld. Cornwallis	Sir John Trenchard.	.. ..	1692
.. ..	Ant., Visc. Falkland (I.)	.. ..	.. ..	1693
Godolphin, I. and C.	Edw. Russell, aft. E. of	.. ..	Shrewsbury.	1694
Charles Montague, (on Board since 1691), C.	Orford (1696), I. Sir Geo. Rooke a member.	Sir Wm. Trumbull.	.. ..	1695
.. ..	.. ..	.. ..	.. ..	1696
.. [Thos. Pelham, etc.	.. ..	James Vernon.	.. ..	1697
Montague, I. & C. (May).	.. ..	.. ..	.. ..	1698
Ford, E. of Tankerville.	John, E. of Bridge-	.. ..	.. ..	1699
Godolphin, I.	.. .. water (I.).	Sir Chas. Hedges.	Edw., Earl of Jersey.	1700
Hy. Boyle, C.				
Chas., E. of Carlisle, I.	Pembroke (I.)	.. ..	Chas., E. of Manchester.	1701
Godolphin (May).	Pembroke (Jan.)	Nottingham.	Hedges.	1702
	Prince George (May).			
.. ..	Rooke on Board, 1702-6;	.. ..	.. ..	1703
	Sir Cloudesley Shovel,	[E. of Oxford.		
.. ..	1707-8; Sir John	Rob. Harley, aft. 1711	.. ..	1704
.. ..	.. Leake, 1708-9.	.. ..	.. ..	1705
.. ..	[of Gr. Brit., *d.* 1708.	.. ..	Chas., E. of Sunderland.	1706
.. ..	Pr. George, 1st L.H.A.	.. .. [Carleton.	.. ..	1707
.. ..	Pembroke (I.)	Hy. Boyle, aft. Ld.	.. ..	1708
.. ..	Orford (I.)	.. ..	.. ..	1709
John, E. Poulett.	Sir John Leake (I.)	Hy. St. John, aft. 1712.	Wm., aft. E. of Dartmouth.	1710
	Sir Geo. Byng on Board	Visc. Bolingbroke.		
[of Oxford (May).	1709-12; Paul Methuen,			
Robert Harley, E.	1709-10.	.. ..	.. ..	1711
.. ..	.. ..	.. ..	.. ..	1712
[Shrewsbury (last).	Thos., E. of Strafford (I.)	.. ..	.. ..	1713
Charles, Duke of	.. ..	.. ..	Wm. Bromley.	1714

APPENDIX III.

British Colonies and Dependencie, 1714.

I. Europe :—			
	Gibraltar . .	**1704**	Taken from Spain by Rooke. Ceded to *Gr. Br.* by the
	Minorca . . .	1708	Taken from Spain by Stanhope and lost in 1756, 1781, 1802. *Anglo-Spanish Treaty of Utrecht*, **1713.**
II. Asia :—			
	Madras . . . (Fort S. George)	**1639**	First Indian territory acquired—by purchase from a Hindu prince in the Carnatic : Presidency, 1654.
	Bombay . . .	1662	Dowry of Katharine of Braganza ; handed over by Portugal, 1665; leased by Charles II. to E.I.C., 1668 ; Presidency, by transfer from Surat, 1685.
	Calcutta . . . (Fort William)	1686–96	Fortified by leave of the Nawáb of Bengal.
			N.B. The E.I.C. had at times many other factories in Hindustán and throughout the Orient.
III. Africa :—			
	S. Helena . .	1651	Occupied by E.I.C. on its abandonment by the Dutch.
	The Gambia . .	1618	First visited by Englishmen, 1591 : occupied 1618.
	Gold Coast . .	1664	Lagos, etc., seized from the Dutch, 1661 : ceded by the *Treaty of Breda*, 1667.
IV. West Indies :—			
	Barbados . .	**1605**	Occupied 1605, and again 1624 ; escheated to the Crown from its grantees, 1663.
	Antigua, S. Kitts	1623	Occupied 1623 : French portion of S. Kitts ceded 1713.
	Bahamas . . .	1629	Occupied 1629 ; held by Spaniards, 1641-66, 1703-18.
	Jamaica . . .	**1655**	Captured from Spain, under Oliver Cromwell, and ceded by the *Treaty of Madrid*, 1670.
			Note.—**S. Lucia** was held by Englishmen, 1639-40, 1664-7.
V. America :—			
i. South Colonies.	**Virginia** . . .	**1607**	After Ralegh's failures (1583-9), the London Co. planted a successful colony, **1607** ; escheated to Crown, 1624.
	Maryland . .	1634	A Roman Catholic colony founded by Lord Baltimore.
	Carolina . . .	1663	Founded 1663 ; divided into two colonies, 1712.
ii. New England.	**Massachusetts** .	**1629**	This colony, chartered in 1629, absorbed the **Plymouth Colony** of the Pilgrim Fathers, established **1620.**
	Maine	1627	Both colonies fell under the dominion of Massachusetts till the American Revolution.
	New Hampshire	1627	
	Connecticut . .	1639	Formed by the self-union of three separate colonies, Wethersfield, Windsor, and Hartford ; founded 1635-6.
	Rhode Island .	1644	**Providence**, one of its constituent colonies, fd. by Roger Williams, 1636. *Others :* Newport, Warwick, 1738-9.
iii. Mid. Colonies.	**New York** . .	**1664**	Formed the New Netherlands, founded 1613, seized by the English 1664, and ceded by the *Treaty of Breda*, **1667.**
	New Jersey . .	1664	
	Pennsylvania .	**1682**	A Quaker colony founded by William Penn, **1682.**
			Note.—The above colonies, with **Georgia** (founded in 1733), severed their connection with England, 1776-83.
iv. North Colonies.	**Newfoundland** .	**1713**	Discovered by the Cabots, **1497.** All finally ceded to
	Nova Scotia . .	1713	Granted to the Scotsman, Sir William Alexander, 1621. Great Britain by the *Anglo-French Treaty of Utrecht*, **1713.**
	Hudson's Bay T. *or* **Rupertsland**	1713	Occupied for fur-trading, 1670.
v.	**Bermudas** . .	1609	Declared English by Sir George Somers, who was wrecked there in 1609, and colonised **1616.**

Mu: 2/9+3½
1873